

Motorised Mobility Devices Discussion Paper

RAA Submission to Austroads

September 2019



Introduction

The Royal Automobile Association of SA (RAA) is South Australia's largest non-government organisation representing the interests of more than 745,000 members. Through our member services such as Roadside Assistance, Insurance, Travel, Finance and Security, we are an organisation which prides itself on trust and supporting our members. Servicing both metropolitan and regional customers, the organisation is uniquely placed to understand the needs of South Australians.

RAA members look to the Association to represent their interests on a broad range of motoring and mobility related topics. RAA consults with industry and government to advocate for increased investment in transport solutions and promote safer mobility options, along with ensuring all South Australians have the ability to access business, travel and employment opportunities.

RAA undertakes a range of activities to identify, report on and advocate for safer, more effective mobility for all road users and pedestrians. RAA aligns its activities with the following three themes:

- **Safe** – A safe mobility system can be defined as a system that not only achieves, but outperforms, national and international safety benchmarks.
- **Accessible** – To have a cost efficient, convenient and reliable transport network as an essential part of personal mobility.
- **Sustainable** – Sustainable mobility encompasses the needs of current and future generations, and considers financial, societal and environmental factors.

RAA is a community educator on the use of mobility devices and an authorised retailer. We welcome the opportunity to provide comment on:

- The Austroads Motorised Mobility Devices Discussion Paper – Establishing a Nationally Consistent Framework and Adopting Technical Specification 3695.3.2018;
- Options for the adoption of the Technical Specification for Motorised Mobility Devices (MMD); and
- Considerations associated with licensing, registration and third party insurance for MMDs and their users.

RAA supports the approach taken by Austroads to address the two key recommendations from the Senate Standing Committee on Rural and Regional Affairs and Transport 'Inquiry into the need for regulation of mobility scooters, also known as motorised wheelchairs.'

Technical Specification for Motorised Mobility Devices (MMD)

RAA supports the adoption of the labelling of MMDs to assist prospective purchasers with selecting the unit that will most effectively fulfil their requirements.

We note that many people purchase units that are not within the recommended dimensional parameters for use on public transport. RAA is also aware of issues around retrofitting of additional equipment to the basic unit, which can further push the vehicle dimensions beyond the desirable minimum template. RAA's sales data shows that the most popular models exceed the maximum length dimensions recommended for use on public transport.

We are advised by South Australia's Department of Planning, Transport and Infrastructure that the majority of complaints they receive regarding MMDs relate to public transport access issues.

Unladen Mass Limit

RAA supports increasing the maximum unladen mass limit of MMDs from 110kg to 170kg. It is evident from RAA's own sales information that larger units are popular, particularly with those who travel greater distances. These typically weigh around 150kg or more without any accessories fitted. The proposed increase in capacity would ensure they can continue to be used on footpaths and potentially on public transport without exceeding the current 300kg limit that is in place on most public transport vehicles fitted with ramps or lifts.

The current legislation in South Australia only allows for devices with an unladen mass of 110kg on the footpath in SA. If a higher unladen mass were universally adopted, then jurisdictions would need to review their footpath usage laws.

RAA recommendation

- Increase the maximum unladen mass limit of MMDs from 110kg to 170kg;
- Amended regulation to permit higher mass MMDs to travel legally on footpaths.

Certification

RAA recommends third-party testing with the option of certification by a suitably qualified engineer. This would ensure consistency of approach to certification and it would be a simple matter for prospective buyers to seek certified MMDs at the time of purchase. While it is acknowledged there may be a cost penalty for this approach, it would give purchasers surety that devices bearing compliance stickers have been appropriately certified.

RAA recommendation

Certification of MMDs should be undertaken by a third party or a suitably qualified engineer.

Technical Specification – Options for Adoption

RAA's preferred option of those proposed is Option 4 - for the reasons provided below.

- RAA does not support Option 1 ('do nothing') for the reasons outlined in the discussion paper.
- RAA does not support Option 2 – ('consumer driven adoption of the Technical Specification') for the reasons outlined in the discussion paper and because the industry is unlikely to adopt this voluntarily (unless it impacts on the sale of MMDs).
- There are concerns that if Option 3 ('industry driven adoption of the Technical Specification') were to be adopted, then some suppliers may choose to follow the specification and others may not, which could result in compliant devices bearing a higher price than non-complying units.

Information from our retailers and feedback from our community education presentations on MMDs highlights that purchasers are very much led by price, particularly in their retirement years. This could result in many of the devices offered for sale not complying in order to maintain a competitive price. This option may be more effective if agencies such as the Therapeutic Goods Administration and the National Disability Insurance Agency only procured compliant MMDs.

- RAA supports Option 4 ('regulatory prescription of the Technical Specification'), as it would assist buyers in ensuring that their purchase is fit for purpose.

Currently, bus access represents the most space constrained public transport environment, and many devices could potentially manoeuvre effectively on other modes of transport. It is therefore suggested that the proposed "Blue Label" system be expanded to specify which modes of public transport the MMD is suitable for:

1. Train/Tram/Ferry (where these modes may allow for a larger manoeuvring space than that available on public buses).
2. All (all forms of transport including public buses and public transport infrastructure).

RAA understands there are concerns that this regulation could limit the use of non-compliant devices primarily designed for indoor use, which have proven to be popular with consumers due to their portability and price point. RAA's view is that if such devices are not safe to use on other types of infrastructure (and are not able to be labelled as such), then they should only be allowed to be used indoors.

RAA supports the proposal for mandatory implementation of the white label, as this would have a reasonable chance of realising safety benefits. There are similar examples of this kind of regulation aimed at protecting safety (such as child restraint/helmet laws).

RAA considers that the adoption of a national consumer education campaign to assist MMD users in making informed decisions is critical to ensure compliance.

RAA recommendation

- Regulatory prescription of the Technical Specification (Option 4) be adopted;
- The proposed "Blue Label" system to be expanded to include information on whether all or only some modes of public transport are accessible by respective MMDs;
- Develop a national consumer education campaign to assist MMD users in making informed decisions.

Other regulatory considerations

As stated earlier, current legislation means that some heavier units cannot legally be used on footpaths even though it is the safest place for them to travel. This load limit is inconsistent across Australia, with some jurisdictions permitting units with an unladen mass of 150kg on footpaths.

In addition, the Australian Road Rules (ARR) currently ascribes one title to different types of mobility devices – namely 'motorised wheelchair.' It is RAA's view that the devices commonly known in the retail market as "mobility scooters" should have their own definition, as they differ significantly from wheelchairs, motorised or not.

RAA recommends that the National Transport Commission (NTC) pursue a separate definition for MMDs. It is noted that this does not necessarily provide an incentive for implementation of the Technical Specification itself, therefore the ARR would need to explicitly distinguish between mobility scooters and powered wheelchairs.

RAA recommendation

- That higher and nationally consistent unladen mass limits be adopted;
- A separate definition to be included in the ARR to cover 'mobility scooters.'

Registration and Licensing

RAA supports the establishment of registration and licensing arrangements for MMDs for the following reasons:

- Registration would allow identification of the device if involved in an accident, or where it is being operated unsafely;
- Licensing provides an opportunity to include a medical assessment to operate (which can include self-assessment). It also provides for data collection on usage/operational issues etc.;
- The potential for these devices to inflict injury upon a pedestrian is significant, given that they can weigh up to 300kg and be travelling at a speed of up to 10km/h. Indeed, the potential to cause

injury is greater than that of a cyclist riding on the footpath due to the higher combined mass of the MMD and rider.

RAA is frequently contacted by people that are concerned about their family or friends substituting driving cars with using MMDs due to their deteriorating health. The health issues that impact upon a person's ability to drive a car are also relevant to operating an MMD effectively (e.g. poor eyesight/dementia), which merits consideration when designing regulatory options.

As many users of mobility devices have transitioned from driving and car ownership, they are therefore familiar with the registration process for a vehicle and a similar process for an MMD should therefore not be considered too onerous. The advantage of registration is that it provides longitudinal information on typical length of ownership, age etc., which could be useful in understanding the ongoing needs and requirements of users.

RAA supports consistency of Compulsory Third Party (CTP) insurance for MMDs. In South Australia, users are covered at no cost against injury caused to other people as a result of an accident involving a person's MMD. The issue regarding liability when a person is involved in an accident with a pedestrian in another jurisdiction while operating their device that they may have brought interstate needs clarification.

RAA recommendation

- Consideration of a registration scheme for MMDs;
- A nationally consistent approach to CTP insurance for MMDs.

Licensing of Motorised Mobility Device users

RAA acknowledges that for most MMD users operating the unit is relatively simple and intuitive (one throttle and one brake). However, some users with multiple impairments, which may include physical, sensory, intellectual and cognitive disabilities, could experience difficulty with using the device safely in all contexts (particularly in dynamic pedestrian and road environments). As many drivers have had to surrender their car licence for one of the above reasons, it is important to ensure that users of MMDs are capable of safely operating the device in a public environment. Operating these devices in the public realm, including crossing roads, negotiating kerbs and ramps and understanding the limitations of the MMD, is essential to ensure the safety of the user and others.

Some form of evaluating a person's capacity to operate an MMD could be introduced prior to purchase. This could take the form of a checklist and self-reporting (akin to what is required in South Australia for drivers over 75 with no pre-existing medical conditions). This is consistent with the NTC's Fitness to Drive approach.

RAA currently provides a checklist for potential MMD users prior to sale (see Attachment A). If adopted, where the checklist highlights any issues, then an assessment by an occupational therapist could be performed to determine whether the applicant can safely operate an MMD.

If the user intended to operate the device within the confines of a private area, then this may not be required (although it could be argued that regardless of the operating environment, the user of an MMD must be able to do so without compromising their safety or that of anyone nearby).

While MMD users are not currently involved in a large number of accidents, it is nonetheless important to ensure that going forward there is a process established to ensure public and user safety.

RAA recommendation

A nationally consistent assessment form be developed to allow potential users to self-assess their suitability to safely operate an MMD



Is a motorised wheelchair the right choice for me?

This checklist has been developed to highlight any issues you may need to discuss with an occupational therapist to assess your suitability for one of these devices.

| What to consider: | Yes | No | Unsure |
|--|-----|----|--------|
| <i>Where will I be travelling?</i> | | | |
| Do I have access to good, mostly flat footpaths, shared paths, etc.? | | | |
| Would the device be able to go the distance required? | | | |
| Will I need to use public transport and if yes would my device fit? | | | |
| Have I checked with the public transport provider about access for my device? | | | |
| Are there pedestrian crossings and /or safe places to cross roads? | | | |
| Is there a safe and flat place to park the device when I get there? | | | |
| Are there any obstructions like tree roots, road works, train tracks, etc. in my path? | | | |
| Are my destinations accessible with this device? | | | |
| Are there access points to footpaths e.g. ramps? | | | |
| Will I need to travel where there is a lot of traffic and/or peak traffic times? | | | |
| <i>Is my home suitable for this type of device?</i> | | | |
| Do I have adequate space in my home to manoeuvre this device? | | | |
| Would a different mobility device be more suitable for inside the home? | | | |
| Do I have suitable undercover storage space? | | | |
| Do I have access to a suitable power point for charging the device? | | | |

| What to consider: | Yes | No | Unsure |
|--|-----|----|--------|
| <i>Do I have the physical capabilities for this device?</i> | | | |
| Is my vision sufficient enough to see oncoming traffic, etc. clearly? | | | |
| Is my hearing sufficient enough to hear sirens, traffic, cyclists, pedestrians, etc.? | | | |
| Is my upper body strength sufficient to be able to manoeuvre the device? | | | |
| Do I have enough movement in my neck and shoulders to see behind me and side to side? | | | |
| Do I have good fine motor skills in order to operate the scooter controls? E.g. Finger controlled accelerator, brakes, turning the start key | | | |
| Can I get off and on the scooter with ease and walk short distances to shops, toilets, etc.? | | | |
| Am I able to manage good posture and sustained hand movements? | | | |
| <i>Do I have the cognitive capabilities for this device?</i> | | | |
| Do I have good reflexes when presented with unexpected events? | | | |
| Am I able to recognise obstacles and negotiate around them? | | | |
| Can I plan my intended route ahead of time? | | | |
| Can I recognise when the battery is low and remember to charge it? | | | |
| Can I remember to remove the key after stopping and leaving it? | | | |
| Can I remember the road rules and where I am allowed to go? | | | |
| Can I drive in a straight, flat path and not on an angle which would risk tipping the device? | | | |
| Do I understand that I cannot carry items over 10kg in weight including extra passengers? | | | |
| Can I drive defensively and cautiously? | | | |