



Council on the Ageing New South Wales

Submission

Barriers to the safe use of innovative vehicles and motorised mobility devices

Council on the Ageing (COTA NSW)
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COTA NSW

COTA NSW is the peak body representing people over 50 in NSW. We're an independent, non-partisan, consumer-based non-government organisation. We work with politicians, policy makers, service and product providers as well as media representatives to make sure our constituents' views are heard and their needs met.

The focus of the COTA NSW submission

In this submission, COTA NSW will focus its response on the following questions as outlined in the NTC issues paper:

2. What differences between motorised wheelchairs and mobility scooters need to be recognised by this project?
4. What key factors need to be considered when determining safe rules of operation (including speed) for innovative vehicles on roads and road-related areas?
7. What barriers and health or safety risks are associated with the use of a motorised mobility device that does not meet the needs of a user because of the current restrictions?
8. How do current classifications of drivers of wheelchairs as both 'pedestrians' and 'vehicles' in the Australian Road Rules create confusion?
10. What evidence is available on the road safety risks associated with motorised mobility devices that could be used to inform the way motorised mobility devices are regulated?

Introduction

People engage with their community in many ways. However, being able to physically move around within one's community is fundamental to a person's ability to engage with it effectively. It is a means of access to shops and services, as a fitness and recreation activity and for staying in touch with neighbours. COTA NSW recognises and supports the right for older people to be able to walk around their city, town or suburb on well-maintained and comprehensive network of paths and compliant kerb ramps.

However, for older people with reduced physical mobility, the use of motorised mobility scooters becomes an option. It allows those with physical impairment to maintain their independence and consequently remain in their homes for longer. Current numbers of mobility scooters in NSW are hard to quantify due to the absence of registration requirements and changing ownership through the second-hand market. A 2014 report estimated that there was between 35,000 to 47,000 scooter users in NSW.

COTA NSW acknowledges some of the safety concerns around the use of mobility scooters, but assert that if the recommendations of the NSW Staysafe committee (2014)¹ were implemented then the risks associated with these devices would be mitigated.

COTA NSW also acknowledges the increased use of innovative devices such as motorised scooters that are being trialled across the country. We contend that it is essential that rules and regulations are enacted as a matter of urgency to ensure that the safety of older pedestrians is secured.

¹ New South Wales. Parliament. Joint Standing Committee on Road Safety (Staysafe). *Non-registered motorised vehicles / Joint Standing Committee on Road Safety (Staysafe)*, Parliament of New South Wales. [Sydney, N.S.W.] : the Committee, 2014. – [135] pages ; 30 cm. (Report ; no. 3/55).

Response to questions

2. What differences between motorised wheelchairs and mobility scooters need to be recognised by this project?

COTA NSW argues that motorised wheelchairs and mobility scooters are inherently different and must be treated as such in any future rules and regulations.

Motorised wheelchairs are typically used indoors, are slower and not used to travel long distances. They are often specially adapted for the needs of the person with a disability and are an essential mobility device to allow independence in the home and elsewhere. In contrast, mobility scooters are used to travel greater distances, are less expensive and used by people with a range of abilities. Scooters may also be 3 wheels, which is inherently less stable than 4-wheel motorised wheelchairs or mobility scooters.

Under current NSW Road Rules 2008, both mobility aids are classified as pedestrians due to the 10 km/h speed limits and as such do not require licence or registration.

4. What key factors need to be considered when determining safe rules of operation (including speed) for innovative vehicles on roads and road-related areas?

The two main considerations for determining safe rules of operation for innovative vehicles in the context of older people's safety are speed and the potential for trip hazard.

The speed limit of all innovative devices such as motorised scooters should be set to 10 km/h in line with the current limits on mobility scooters. There is also scope with technological advances to dynamically speed limit the devices based on the geographic location e.g. limit to 5 km/h in shopping areas or increase to 15 km/h in outlying areas away from large pedestrian activity. The safety of pedestrians should be paramount and allowing these types of devices to exceed these speed limits would increase the risk of injury if a pedestrian and innovative vehicle accident occurred.

The limiting of maximum speed is also of benefit to the use of the innovative device. Many paths and kerb ramps around the state are not adequately maintained and, in some cases, non-compliant to Australian standards. If a motorised scooter for example, was travelling at speed and hit an uneven or damaged section of path then the potential for a serious accident could eventuate.

The other factor that is of concern to COTA NSW is the potential trip hazard of these devices. In many cities across Australia there have been trials of hire-bikes and in Adelaide an electric scooter trial. Experience of these trials have demonstrated that users have not been diligent in placing the device in the designated, sign-posted and safe areas. Bikes in particular have been left on paths, often inhibiting safe pedestrian access (or mobility scooter/wheelchair use either). Regulations must be devised that provide strong deterrents

from both the users and the owners of the scheme to prevent this from happening. Conor Wynn of Monash University argues that three key measures must be enacted to address user behaviour:

1. Implement a bond system to ensure that it is financially beneficial to return the device.
2. Create social campaigns that reinforce social norms and the negative connotations with this type of behaviour.
3. Implement financial penalties to users of these devices if they are not returned to the designated locations.²

7. What barriers and health or safety risks are associated with the use of a motorised mobility device that does not meet the needs of a user because of the current restrictions?

Current barriers and safety risks associated specifically with mobility scooters fall under 5 categories, these are:

- a. Quality (roadworthiness or reliability) of scooters on the Australian market**
There is great variance in the quality of mobility scooters entering Australia but little or no formal information or certification concerning performance and quality is generally available.
- b. Ability of individuals to competently and safely “drive” or “ride” such scooters**
Unfortunately, people can use mobility scooters on public thoroughfares without training and regardless of their ability to use or operate them. There are limited avenues of advice and assistance for the general user who is not in a formal rehabilitation scheme.
- c. Fitness for purpose - whether the individual has the right mobility scooter**
There is widespread variation in the level and quality of dealer support, for the initial product selection process. Consequently, scooters can be purchased without sufficient information or consideration as to whether they are appropriate for the intended use.
- d. Transport Infrastructure**
A safe environment includes appropriate pathways, absence of obstructions and impediments, suitable ramps and kerb access from street level.

² Wynn, Conor. (2018, January 17). To end share-bike dumping, focus on how to change people’s behaviour. The Conversation. <https://theconversation.com/to-end-share-bike-dumping-focus-on-how-to-change-peoples-behaviour-90016>

e. **Regulations – road rules, responsibilities and interpretation**

Under current legislation and practice mobility scooters are generally considered a medical device and regarded as a wheelchair which in turn means the road rules are those that apply to a pedestrian. However, there are different road rules and different interpretations across the States and Territories. There is also wide variation on other aspects governing the safe use of motor scooters including definition of the rights and responsibilities of mobility scooter riders.

8. How do current classifications of drivers of wheelchairs as both ‘pedestrians’ and ‘vehicles’ in the Australian Road Rules create confusion?

COTA NSW believes that a new classification should be created for any device that contains a motor and is permitted to be used on paths, subject to current speed limits and other regulations. This would allow for potential registration of these vehicles to ensure that they meet Australian standards, including safety measures and compliance.

However, it is important to emphasise that the users of motorised wheelchairs and mobility scooters must retain their right to utilise pedestrian paths. COTA NSW advocates for the principals of universal design, whereby infrastructure should be designed and constructed to allow for a range of users and abilities. The contentiousness of this issue would be alleviated if paths were wider to allow the free flow of both pedestrians and those using other motorised devices.

10. What evidence is available on the road safety risks associated with motorised mobility devices that could be used to inform the way motorised mobility devices are regulated?

A number of inquiries have been conducted into the use and safety risks associated with mobility devices across the country. These inquiries found that in many cases there is limited data available to adequately determine the levels of usage, attributable accidents or fatalities. The NSW Parliament Joint Standing Committee on Road Safety (2004) recommended a number of measures to improve reporting, including training of police on vehicle type recognition, examining coding of patient admission data and developing an app to improve reporting by local government on crashes and incidents involving these devices.

A study was conducted by Monash University in 2011 that estimated that there were 7 fatalities in NSW between 2007 and 2011 and 26 crashes involving motorised scooters in 2011.³ The levels of usage are also difficult to quantify as there is no register of these motorised vehicles in NSW.

³ Monash University, Department of Forensic Medicine. (2011) *Targeted Study of Injury Data Involving Motorised Mobility Scooters, 2011*. Melbourne: Monash University.

Recommendations

1. COTA NSW believes there is a need for regulation of both the industry and its product. COTA NSW advocates for the introduction of regulations in all jurisdictions which will:
 - ensure professional advice and appropriate training is available to all purchasers
 - ensure that only scooters that satisfy at least a minimum standard reach the Australian market
2. Australian consumers have the right to safe, reliable products and COTA would support the adoption of an Australian Scooter Standard based on the prevailing European Standard.
3. In addition, COTA NSW believes that legal and financial protections should be increased by:
 - consistent language and clarification of rights and responsibilities of mobility scooter riders
 - embracing issues such as registration and nominal defendant insurance in all jurisdictions.
4. COTA NSW supports compulsory insurance that is tailored to ensure it does not inflict unreasonable costs on existing and potential users and does not discriminate on the basis of age.
5. COTA NSW supports the recommendations of the NSW Joint Standing Committee on Road Safety (Staysafe). *Non-registered motorised vehicles / Joint Standing Committee on Road Safety (Staysafe) (2004)* and that the implementation of these are reviewed.
6. That appropriate regulations are developed and implemented to address the issue of innovative vehicles as a trip hazard for pedestrians and other path users due to dumping or placement outside designated areas.
7. That increased investment is made by all levels of government into path and kerb infrastructure in NSW, that will facilitate the safe egress of pedestrians, wheelchair, mobility scooters or other innovative vehicles within our communities.