

6 March 2018

Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600



By email: seniorclerk.committees.sen@aph.gov.au

Dear Secretary,

Thank you for the opportunity to contribute to this inquiry into the need for regulation of mobility scooters, also known as motorised wheelchairs.

The NSW Council of Social Service (NCOSS) works with and for people experiencing poverty and disadvantage to see positive change in our communities. When rates of poverty and inequality are low, everyone in NSW benefits. With 80 years of knowledge and experience informing our vision, NCOSS is uniquely placed to bring together civil society to work with government and business to ensure communities in NSW are strong for everyone. As the peak body for health and community services in NSW, we support the sector to deliver innovative services that grow and evolve as needs and circumstances develop.

This submission draws on the knowledge and expertise of members in the Assistive Technology Community Alliance of NSW (ATCAN). This forum, chaired by NCOSS, undertakes coordinated activities to improve access to assistive technology as a basic right for people with disability. Particular contributions were made by the Physical Disability Council NSW (PDCN), Spinal Cord Injuries Australia and Assistive Technology Suppliers Association (ATSA).

Our brief comments:

- highlight concerns about the perceived need for additional regulation for powered mobility, and the risk of imposing regulations that would restrict the choice and control of people with disability and older people.
- advocate that education for both users of mobility devices and the community is a more effective method of reducing incidents involving mobility scooters and electric wheelchairs.

We argue that this inquiry presents an opportunity to explore broader change to improve the lives of people with mobility impairments. Rather than reducing the weight and speed of mobility devices, the adoption of European standards should be explored, which would increase choice and control by opening the market to competition. Further, making improvements to the accessibility of community infrastructure should be a priority; this would empower rather than restrict people with mobility impairments.

Proposals would restrict user choice and control

We note that Article 20 of the United Nations Convention On the Rights Of Persons With Disabilities (UNCRPD), to which Australia is a signatory, states:

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;*
- b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;*
- d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.*¹

Proposals to restrict the speed and weight of mobility scooters would undermine choice and control for many users of mobility devices, effectively limiting their freedom of mobility. They would also run counter to the aims of the National Disability Insurance Scheme (NDIS), to enable and empower people with disability. While we acknowledge that a large proportion of users of mobility devices will not be eligible for the NDIS, the aims of the inquiry should be focused on any person with mobility impairments.

Impact of new standards

ATSA's submission to this inquiry demonstrates that Australia already has tighter controls on motorised mobility devices than the rest of the world. The European standards, adopted by most international manufactures:

- have no weight restrictions on motorised mobility devices; and
- have speed limits dependant on location; typically 12 km per hour with a slow switch to 6km for high pedestrian traffic areas.²

Thus, the indication to impose additional regulation such as speed and weight restrictions will place Australia out of step with international standards. Additional regulation would also drive up costs for Australian users, decreasing their choice and control.

The case studies in PDCN's submission, as well as many others submitted to this inquiry, highlights how changes to speed and weight will affect the lives of people with disability, particularly those in rural and regional areas.

We therefore recommend that Australia adopts the European Standards for motorised mobility devices, in line with international best practice.

¹ [United Nations Convention On the Rights Of Persons With Disabilities](#) (UNCRPD), Article 20.

² UK Department of Transport (2015) *Mobility scooters and powered wheelchairs on the road- some guidance for users*, at 7.

Recommendation 1

That Australia adopts the European Standards for motorised mobility devices, to increase the choice and control for users.

Accessible infrastructure and training is key to reducing injuries involving mobility devices

Standardised training essential

Evidence from the Australian Competition and Consumer Commission (ACCC) suggests that the main contributing factors to injuries and deaths involving motorised mobility scooters were infrastructure failings and lack of user awareness, rather than speed and weight.

For example, the ACCC concluded that “a large proportion of deaths occurred when motorised scooter users were crossing a road, attempting to alight from the scooter and entering or approaching intersections.”³

Noting the instruction received by users of mobility scooters varied considerably,⁴ the ACCC produced material outlining safety tips for users of mobility devices.⁵ We emphasise that people who select their device with the assistance of an occupational therapist receive instruction, but we recommend an Australian standard instruction be mandated at the point of sale.

Recommendation 2

That an Australian standard instruction for mobility devices be developed, and mandated at the point of sale across Australia.

Need for community education campaign

Many submissions to this inquiry emphasise the role of pedestrian behaviour in relationship to incidents with mobility scooters. To address this, we recommend a public awareness campaign be developed that focuses on safe shared pathway/road use, modelled on the recent NSW campaign promoting shared road use by cars and cyclists.

Recommendation 3

That the Australian Government fund a public awareness campaign focusing on safe shared pathway/road use, focusing on the needs of users of powered mobility devices.

Accessible public transport critical for safety of mobility device users

An increase in accessible public transport in regional areas would also lessen the extent to which mobility scooters were forced to drive on roads. We commend the positive recommendations made by the NSW Legislative Assembly Committee on Community Services

³Australian Competition and Consumer Commission (2012) *Targeted Study of Injury Data Involving Motorised Mobility Scooters*, Monash University, at 4.

⁴ Note 1, at 6.

⁵ Australian Competition and Consumer Commission (2015) [Help cut mobility scooter accidents](#).

in its inquiry into access to transport for seniors and disadvantaged people in rural and regional NSW, including:

- publication of timetable for all access upgrades to bus stop and train station infrastructure, with progress reports provided on a regular basis (recommended by NCOSS);
- longer ramps at rural and regional train stations where there is a significant height difference between the platform and the train carriage;
- accessibility training for staff.⁶

The NSW Government accepted these recommendations in principle and we look forward to the upcoming progress report in October this year.

The third statutory review of *Disability Standards for Accessible Public Transport 2002* (Transport Standards), which is due to commence,⁷ presents an opportunity to improve the framework for accessible public transport infrastructure. We urge the Committee to note the review's importance and relevance to this inquiry, and to recommend that the review be expedited to promote the safety of mobility device users.

Recommendation 4

That the Committee note the relevance to this inquiry of the review of *Disability Standards for Accessible Public Transport 2002*, and recommend the timetable of this review be expedited to promote the safety of mobility device users.

If you have any questions about points raised above, please email Ya'el Frisch (NCOSS Policy Officer, Disability and Ageing) at yael@ncoss.org.au.

Yours sincerely,



Melanie Fernandez
Acting Chief Executive Officer

⁶ See [NSW Government Response Legislative Assembly Committee on Community Services Inquiry into access to transport for seniors and disadvantaged people in rural and regional NSW](#).

⁷ https://infrastructure.gov.au/transport/disabilities/third_review_tor.aspx