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Our reference:
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Mr Tim Davern
National Transport Commission
Level 3, 600 Bourke Street
MELBOURNE VIC 3000

Dear Mr Davern

Thank you for the opportunity to submit a response to the National Transport Commission's (NTC) Discussion Paper - *Barriers to the safe use of motorised mobility devices (MMDs)*. Austroads recognises the value of this project, noting the connections with its own project (*SRL6218: Explore options to establish a nationally consistent framework in line with Senate Committee outcomes and adopt Technical Specification 3695.3.2018 for Motorised Mobility Devices*).

Austroads' responses to the questions presented within the paper are provided below. Please note that the Austroads MMD project is still in progress. As such, the views expressed below reflect stakeholder feedback received to date. The outcomes of the Austroads project will no doubt inform the NTC's work, and I trust the project team will continue to provide updates and the necessary support to your project.

Question 1: Do you agree with aligning the maximum unladen mass with the ATS or is there a more appropriate response to overcome the regulatory barriers identified? Please provide evidence to support your position.

Through its own project, Austroads has become aware that many MMDs currently available on the market exceed the permitted weight and/or speed limits, and are being used on paths without the user being aware that their device is in contravention of the law. Austroads also recognises that the current unladen mass limits are outdated as they do not reflect the variety of devices on the market. The prevalence and growth of these devices in recent years, coupled with an aging population, highlights the need to address this issue.

Austroads notes the Australian Road Rules (ARR) allow a wheelchair to be driven on a path, provided its unladen mass does not exceed 110kg and it does not travel over 10km/h. However, not all jurisdictions align with the weight requirement. The Australian Capital Territory, Queensland and Tasmania all have increased unladen mass limits of 150kg. Based on the feedback received from jurisdictions on the Austroads MMD project, there appears to be support of the proposed increase to align the maximum unladen mass of MMDs with the Technical Specification. However, the benefits of national consistency can only be achieved if all jurisdictions adopt the new requirements.

Austroads notes that the NTC's proposal will require the ARR to distinguish between motorised scooters and motorised wheelchairs. This is a logical step as these devices are not the same, and the needs of motorised wheelchair users differ from the needs of motorised scooter users. Austroads recommends that the NTC give consideration to the definitions within the Australian Technical Specification (ATS). It is however recognised that the definitions in the ATS are for a technical document and are unlikely to be suitable for adoption in the ARR.

Question 2: Do you agree with the proposed pedestrian classification? Is it appropriate that all MMD operators are required to follow the pedestrian road rules? Please provide evidence to support your position.

The ARR currently defines MMDs as vehicles or users as pedestrians depending on the device's speed capability.

It would be a natural expectation that any road user defined as a pedestrian would be expected to follow the pedestrian road rules. Stakeholders to the Austroads MMD project have raised concerns about additional requirements being placed on MMD users when the same is not required of other pedestrians.

Given that registration and licensing requirements were strongly opposed by stakeholders responding to the Austroads' MMD project consultation, it is arguable that no classification other than pedestrian is suitable.

Assuming that the term "operator" is used to describe both users and attendants of MMDs, Austroads supports the proposed pedestrian classification and resulting requirement that operators follow pedestrian road rules.

Further comments

Austroads has identified some errors in the NTC Discussion Paper on pages 22 and 23 – Appendix B Austroads MMD Project. Austroads proposes the following amendments, marked in red:

Page 22

The technical specification focuses on collision avoidance and sets out construction and performance requirements, such as:

- 170kg maximum unladen mass for motorised mobility scooters
- no maximum unladen mass for motorised wheelchairs
- ~~a maximum laden mass of 300kg for MMDs for a blue label~~
- 10km/h maximum speed

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The removal of the maximum unladen mass for traditional motorised wheelchairs recognises that users of such devices have no alternative for mobility on public infrastructure. Any powered wheelchair, including motorised scooters accessing passenger transport conveyances, should not exceed a gross mass of 300kg. The 300kg unladen mass limit is consistent with the requirements under the *Disability Standards for Accessible Public Transport 2002* for ramps and lifts to support a ~~minimum~~ maximum safe working load of 300kg (Austroads, 2018).

I trust this information is of assistance. If you have any questions or would like to discuss Austroads' submission, I encourage you to contact the project team by telephone on (07) 3066 2616 or by email at MMD_consultation@tmr.qld.gov.au.

Yours sincerely



Nick Koukoulas
Chief Executive