

Your Ref:  
Our Ref: A2711156

11 December 2019

Tim Davern  
National Transport Commission  
Public submission – Barriers to the safe use of motorised mobility devices  
Level 3, 600 Bourke Street  
Melbourne VIC 3000

Dear Mr Davern,

Thank you for the opportunity to provide comments on the NTC's Motorised Mobility Devices Discussion Paper. Having read the discussion paper, we present the following comments on question 2 for your consideration.

**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.**

We note that the NTC is considering amending the Australian Road Rules (ARR) to restrict users of MMD from travelling over 10km/h whether they are on a path or road. The Road Safety Review included in Appendix D of the NTC's 'Barriers to the safe use of personal mobility devices: Regulation Impact Statement Consultation' (October 2019) examines the risks around road safety for Personal Mobility Devices (PMDs), cyclists and pedestrians. It is worth noting that numerous research papers have found an average cycling speed of 18-30km/h on footpaths and shared paths, with cyclists self-regulating their speed around pedestrians. Council is concerned at the inequity of the proposed ARR amendment for MMDs as bicycles can travel on shared paths without a speed limit and Pedalecs (E-bikes) can travel on shared paths at speeds up to 25 km/h.

As raised in our previous (February 2019) submission to the review there are also risks that restricting the speed of MMDs will further disadvantage users through market restrictions, as current MMDs are designed according to European standards which allow for a 15 km/h speed. Therefore, Council recommends that MMD's should be able to travel up to the same speeds as PMDs, cyclists and Pedalecs on shared paths.

Council is concerned that the visibility of MMDs on local roads in urban areas for other road users may be limited, therefore Council also recommends that the use of MMD's on local roads should be restricted to circumstances where a footpath is not available on the road being used. This would allow their use on roads without footpaths and in rural areas.

Council supports the amendments of the ARRs to classify users of MMDs as pedestrians, regardless of the device's speed capability. Similarly, it is appropriate to classify a person/attendant who is assisting a person in a motorised wheelchair by operating the wheelchair in a manner other than pushing (i.e. through use of a controller, whether it be wired or wireless), as a pedestrian. For example, a person that has had a stroke may require a partner to operate the motorised wheelchair from controls at the rear. In this situation, the operator accompanying their partner should not be classified as anything but a pedestrian.

If you would like to discuss this submission further please contact Dean Ellis on 03 9742 0790 or email [dean.ellis@wyndham.vic.gov.au](mailto:dean.ellis@wyndham.vic.gov.au).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Melissa Falkenberg', with a small dash at the end.

MELISSA FALKENBERG  
**MANAGER CITY TRANSPORT**

*Please note: this submission contains Officer views and has not been subject to broader internal consultation or formally endorsed by Council.*