

Attn: Tim Davern Productivity and Safety Team National Transport Commission Level 3/600 Bourke Street Melbourne VIC 3000

sent by website upload: www.ntc.gov.au

10th December 2019

#### **Discussion Paper**

#### Barriers to the safe use of mobility devices: October 2019

Thank you for the opportunity to respond to the NTC's Discussion Paper.

Assistive Technology Suppliers Australia Ltd (ATSA) is the peak industry organisation representing over 140 Australian suppliers of assistive technology (AT, historically know as aids and equipment) to people with disability and seniors.

Our members include businesses and not-for-profit organisations of varying sizes who provide Australian-made and imported AT solutions that increase the independence and life choices of users and make their everyday living easier. ATSA works to ensure the Australian AT market is competitive, efficient, viable and appropriately regulated.

ATSA believes that the current regulatory framework for Motorised Mobility Devices (MMDs) is outdated and not fit for purpose.

Yours sincerely,

David Sinclair **Executive Officer** M: 0418 861 847 E: <u>David.Sinclair@ATSA.org.au</u>



## Assistive Technology Suppliers Australia Ltd (ATSA)

Response to

# The National Transport Commission Discussion Paper Barriers to the safe use of mobility devices – October 2019

10<sup>th</sup> December 2019



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 for your position.

ATSA fully supports the recommendation outlined in the discussion paper, of the voluntary adoption of the ATS.

ATSA disagrees with adoption from the ATS guidelines on the weights as a framework for legislation, as both classes of MMDs provide mobility to a person who requires a mobility device. The approach to have 2 weights, dependant on the category of MMD, only introduces discrimination, based on the type of MMD you use.

The intended purpose of the ATS is for public transport and infrastructure standards as a guideline. ATSA challenges the logic of applying no weight limit for one category of MMDs but applying one to another category, when both devices of MMDs have the same speed limitations. The argument does not stack up as the devices are simply applying different engineering solutions for persons who require a mobility aid to get on with their life.

ATSA recommends a standard approach is adopted, no weight restrictions to be applied. There is no reference to weight restrictions contained in the Australian Standards for the requirements of wheelchairs and Scooters, plus the brake distances for MMDs within the Australian Standard is the same requirement for both powered wheelchairs and Scooters. Therefore, why is it necessary to restrict one group of users over another, when the Australian Standards do not.

#### Reference:

Australian Standards for MMDs, AS 3695:2:2019 Wheelchairs, Part 2: Requirements & Test methods for electrically powered wheelchairs (including mobility scooters). This standard is the adoption of EN 12184:2014 with modifications to take into the account of Australian conditions.

## 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 MMDs are medical devices that provide mobility to a person who is not able to be mobile without the device, therefore these devices are fulfilling the gap between the average person and one who requires a mobility device. In this context, ATSA fully supports that these devices are a part of the persons mobility and considered as a pedestrian.



In this context, a person who is aiding the user to utilise their MMD, ATSA again supports the premise that the persons who are assisting the user of the MMD is part of the mobility solution for the user, therefore they also need to be treated as a pedestrian.

## Additional considerations:

#### Regulation of the purpose of the device and not by description of the device

ATSA highly recommends that any new regulation for the use of MMDs be directed to the purpose of the device and not to describe the device. There are many engineering solutions coming onto the market and some that will appear in the future that we have not considered. This would allow the opportunity for innovative solutions to be introduced and minimise exclusion of potential improvements and evolution of the design

Although the discussion paper is directed to MMDs there are power assist options available for manual wheelchairs. These types of powered devices have very different purposes to MMDs and do not significantly impact either the weight or speed of the manual wheelchair.

#### Power Assist Devices to a Manual Wheelchair

The fitting of a power assist device only aids the user of a manual wheelchair, it does not fundamentally alter the original device, therefore does not warrant a reclassification of the medical aid to an MMD when fitted.

Power assist devices have a direct medical application, i.e. assistance to the user due to physical strength issues and prevention of shoulder degradation. The power assist units are designed to contribute to the propulsion of the chair when fitted and highly relies on the user as the primary source of the energy to move. When fitted, if the user relies only on the assistance of the added device, the top speed is approximately 6Km per hour, terrain dependant (rough ground verses smooth, uphill verses downhill). If the user solely relies of the aid, the range is greatly limited, therefore highly impractical if the user is attempting to use the combination (manual wheelchair and power assist without personal involvement) as an MMD.

The power assist units generally add around 6Kg to a manual wheelchair. The average weight of an ultralight manual wheelchair is around 10kg with some exceptions that go upto 20Kg resulting in a combined weight without user between 16kg and 26kg. This combination would have a lower Kinetic energy impact risk than of a 60kg device travelling at 10km per hour on a foot path. The 60kg has been identified as a satisfactory level of risk and is a recommendation outlined for Personal Mobility Device NTC discussion paper.

Some users of manual wheelchairs can achieve speeds greater than 12 Km per hour without any "power assistance". Therefore, to consider that the addition of these types of devices, alter/change the manual wheelchair into an MMD is a misconception.

Due to these points, ATSA would not support a reclassification of a manual wheelchair into an MMD if a power assist is fitted.



ATSA recommends that these devices are recognised in any proposed legislation but are not bound to any of the planned regulations for the use of MMDS to ensure clarity.

Refer to appendix A for examples of these units currently in the Australian Market.

#### Recreational devices fitted to a Manual Wheelchair

The designed recreational devices for manual wheelchairs, are a version of an EBike and should be viewed as such. These devices, once fitted, adopt the road rules of EBikes, with 25km speed limits and the associated requirements for the use of an EBike e.g. helmet and travel on bike tracks. To include these under the "MMD" legislation is removing choice from a person who by circumstance cannot use a conventional EBike.

These are clip on devices that alter the characteristics of a manual wheelchair, which results in a device that is more like a powered assisted push bike with safe designed characteristics that enable higher travelling speeds. These are rapidly growing in popularity as they provide additional choices for the manual wheelchair user to get around without the need to use a car or public transport. The devices provide a secondary benefit, the reduction in the number of transfers to and from a device (e.g. wheelchair to car seat to wheelchair) which in turn reduces the risk of both shoulder injuries and pressure injuries.

The EBike device for manual chairs come in a variety of styles and options, they are used worldwide and are capable of similar speeds of both conventual bikes and EBikes. These are designed to allow for the person who is in a wheelchair to be able to experience what the general society takes for granted. To restrict these devices and treat them as an MMD is not only discriminatory and inappropriate it is preventing this group in society from enjoying what all bike riders experience.

The EBike units generally add around 6Kg to a manual wheelchair. The average weight of an ultralight manual wheelchair is around 10kg with some exceptions that go upto 20Kg resulting in a combined weight without user between 16kg and 26kg. This combination would have a lower Kinetic energy impact risk than of a 60kg device. The 60kg has been identified as a satisfactory level of risk and is a recommendation outlined for Personal Mobility Device NTC discussion paper.

Refer to appendix 2 for samples of current Australian market offerings.

ATSA recommends that these devices are included into the Personal Mobility Device legislation, not under the MMD legislation.





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22/05/2019

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Permobil and Batec Mobility are entering into a strategic sales agreement where Permobil will introduce Batec's range of power assist devices (PAD) for manual wheelchairs to Germany, Norway



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