

Our ref: DG37365

04 DEC 2019

Dr Gillian Miles  
Chief Executive and Commissioner  
National Transport Commission  
Level 3, 600 Bourke Street  
MELBOURNE VIC 3000

Dear Dr Miles

Thank you for your letter of 16 October 2019 seeking feedback on the National Transport Commission's (NTC) *Barriers to the safe use of motorised mobility devices* discussion paper.

Please find enclosed the Department of Transport and Main Roads' (TMR) submission for your consideration.

If you have any questions or would like to discuss TMR's submission further, I encourage you to contact Ms Nadine Dumont, Acting Manager (Licensing), TMR, by telephone on (07) 3066 2218 or email at [nadine.s.dumont@tmr.qld.gov.au](mailto:nadine.s.dumont@tmr.qld.gov.au).

I trust this information is of assistance.

Yours sincerely



Mike Stapleton  
**Acting Director-General**  
**Department of Transport and Main Roads**

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## The Queensland Department of Transport and Main Roads Response to National Transport Commission Discussion Paper - *Barriers to the safe use of motorised mobility devices*

November 2019

The Queensland Department of Transport and Main Roads (TMR) welcomes the opportunity to provide comment on the National Transport Commission's (NTC) Discussion Paper exploring the safe use of Motorised Mobility Devices (MMD). TMR is responsible for delivering an integrated transport network that is accessible to everyone. As such, the responses offered to the discussion paper are informed by multi-disciplinary expertise from across the agency.

Overall, TMR is supportive of the intent of the discussion paper. Everyone should have freedom of mobility and be able to retain their independence and connections with the community. Any solution should balance this requirement with the safety of MMD users and other users of public infrastructure.

TMR also notes the complementary nature of the Queensland-led *Austroads 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*.

Responses to the questions presented in NTC's paper are provided below:

### **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.**

The alignment of the maximum unladen mass with the Australian Technical Specification (ATS) will allow greater consumer choice and not impose unreasonable barriers on persons needing to use MMDs for their mobility.

Many MMDs currently available on the market exceed the 110kg maximum unladen mass requirements as provided by the Australian Road Rules (ARR). Queensland's Road Rules (QRR) already provides for a greater limit than that in the ARR. Nevertheless, Queensland has from time to time needed to provide exemptions to the rules to allow for practical additions such as oxygen tanks or modifications that result in the device exceeding the mass limit.

TMR supports aligning the maximum unladen mass of MMDs with the ATS. Specific observations are made below.

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#### Safety

The QRR currently sets a maximum unladen mass limit of 150kg for MMDs. An increase to 170kg for motorised scooters presents a very minimal increase in risk to users or other pedestrians. It is however acknowledged that increasing the mass may result in increased impact in the unlikely event of a crash.

TMR is not opposed to unlimited mass limits for motorised wheelchairs and understands the reasons for its implementation. It is understandable that a very heavy device could increase the severity of injuries in the event of a crash due to kinetic energy. However, this can be mitigated or balanced with other factors. For example, an uncapped mass limit alone could allow the device to be built to an unlimited size which could affect a user's ability to navigate uneven surfaces which may result in tipping or slipping. Some reasonable limits could be put



on the device size. In addition, existing rules which require the user to exercise care around other pedestrians will assist in safe interactions.

TMR acknowledges that the Austroads project seeks to explore options to adopt the ATS. TMR also notes that the ATS incorporates further performance and construction requirements for MMDs, including device measurements and manoeuvrability. Industry compliance with these additional requirements could help mitigate safety concerns by preventing MMDs from becoming too large or too heavy. That is, in addition to pursuing the changes proposed by the NTC, the full benefits of the ATS would be realised through its implementation by the MMD sector.

### Public transport

Everyone has the right to move freely within Australia. Access to public transport is essential to providing this freedom to people of all abilities and ensures that community connections are maintained.

Removing mass limits for motorised wheelchairs has the potential to conflict with the requirements under the *Disability Standards for Accessible Public Transport (2002)*<sup>1</sup> (DSAPT) which requires the total weight supported by a boarding device to be no more than 300kg. Noting that Australians are growing taller and heavier over time<sup>2</sup>, this would directly impact user access to public transport if they are supplied heavier devices.

TMR sees value in the provision of clear guidance to suppliers and users of MMDs so that a device can be purchased for its intended use. Whilst this is not within the scope of NTC's project, it is a consideration of the Austroads project that is currently underway.

### Definition of motorised wheelchair and motorised scooter

The proposal to increase/remove unladen mass limits suggests that the ARR will need to distinguish between mobility scooters and powered wheelchairs.

It is noted that other regulatory schemes also rely on the current definitions, and changes to the ARR definitions will therefore have impacts. For example, Queensland's current registration scheme for MMDs includes a maximum tare weight of 150kg for the device to be registered. Similarly, there are references within Queensland's Vehicle Standards Regulation that also link to the existing definition. Once a definition is agreed, the impacts on other schemes can be better assessed.

More broadly, outside of TMR, there may be government subsidy or assistance schemes which would need to be considered in light of any change to definitions.

TMR also recommends that any definition of these devices be determined by the feature(s) of the device and not linked to the user and/or their ability. Any definition should complement the ATS, however it is noted the technical nature of the document would not necessarily lend itself to adoption in the ARR.

## **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.**

TMR agrees with the proposed pedestrian classification for MMD users. Device users are using pedestrian infrastructure and their devices are merely a means to assist those with mobility impairments. As such, TMR also agrees that MMD operators be required to follow

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<sup>1</sup>Disability Standards for Accessible Public Transport Guidelines 2004 (No. 3)

<sup>2</sup><https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4338.0main+features212011-13>

the pedestrian road rules. Queensland legislation already requires MMD operators to comply with the pedestrian road rules. The *Transport Operations (Road Use Management) Act 1995* definition of a pedestrian includes: *a person in a motorised wheelchair that cannot travel over 10km/h, and a person pushing a motorised or non-motorised wheelchair*. The proposed amendments to the ARR will therefore be in line with the current application in Queensland.

### Further comments

TMR has identified some errors in the NTC Discussion Paper on pages 22 and 23 – Appendix B Austroads MMD Project. TMR 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 **un**laden mass for motorised wheelchairs
- ~~a maximum laden mass of 300kg for MMDs for a blue label~~
- 10km/h maximum speed

#### Page 23

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 **un**laden 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).