## Barriers to the safe use of motorised mobility devices – Discussion paper

Submission by the Department of Infrastructure, Transport, Cities and Regional Development to the National Transport Commission

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Introduction

1. In October 2019 the National Transport Commission (NTC) published a discussion paper entitled Barriers to the safe use of motorised mobility devices (MMDs). The purpose of the discussion paper is to seek views on whether it is appropriate to increase the maximum unladen mass of MMDs in the Australian Road Rules (ARRs).
2. The discussion paper also suggests that MMDs should be considered as two separate subgroups in the ARRs, i.e. motorised wheelchairs and motorised mobility scooters. In the discussion paper the subgroups are defined by user needs rather than distinguishing technical specifications.
   1. A motorised wheelchair is defined as generally designed to carry people with greater mobility needs than users of mobility scooters. Motorised wheelchair users usually have a permanent disability, resulting in the inability to walk at all. They commonly require assistance getting in and out of the wheelchair.
   2. A mobility scooter is defined as often used by older people or by people who have a permanent or longterm physical limitation yet have sufficient mobility to walk short distances. They have capacity to step on and off the scooter unaided.
3. The discussion paper proposes that the ARRs be updated to allow an increase in the maximum unladen mass for mobility scooters to 170 kg and that no maximum limit be imposed on motorised wheelchairs.
4. The discussion paper does not propose that the speed limit of MMDs be changed from 10 km/h or that access arrangements be changed.
5. This submission to the NTC discussion paper provides feedback from the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development (the department). It reflects the role that the department has in determining what a road vehicle is according to the *Motor Vehicle Standards Act 1989* (MVSA) and the *Road Vehicle Standards Act 2018* (RVSA), as well as the importation and assessment of whether a vehicle is a road vehicles for the purpose of the MVSA.

Road vehicle legislation

1. The department administers the MVSA and its future replacement, the RVSA, on behalf of the Australian Government. The MVSA/RVSA applies/will apply to new and used imported as well as locally manufactured road vehicles.
2. The MVSA/RVSA regulates road motor vehicles before they are being supplied/provided to the market, whereas the use of road motor vehicles (and other types of vehicles) on public roads and road related areas is a matter for state and territory jurisdictions.
3. As defined in the discussion paper, MMDs would not be considered road motor vehicles according to the current Motor Vehicle Standards (Road Vehicles) Determination 2017. This Determination sets out classes of vehicles that are not road vehicles for the purposes of the MVSA. The MMDs would not be classed as road motor vehicles either according to the proposed Road Vehicle Standards (Classes of Vehicles that are not Road Vehicles) Determination to be made under the RVSA.
4. The Motor Vehicle Standards (Road Vehicles) Determination 2017 includes a definition of a motorised wheelchair. It is defined as a wheelchair that:
   1. is designed to be used by a single person
   2. is self-propelled
   3. is not capable of exceeding 10 km/h on level ground and
   4. if not propelled solely by one or more electric motors, has an unladen mass of 40 kg or more.

In assessing if a motorised vehicle falls within the motor vehicle standards legislation, the department usually considers devices commonly referred to as mobility scooters according to the definition of a motorised wheelchair.

Disability Standards legislation

1. The department administers the *Disability Standards for Accessible Public Transport 2002* on behalf of the Commonwealth. The purpose of the disability standards is to enable public transport operators and providers to remove discrimination from public transport services.
2. The department notes that the disability standards legislation refers to ‘wheelchairs’ and ‘mobility aids’.

Discussion

1. While MMDs are designed to transport people, their design is principally suited for use on smooth paved surfaces, such as footpaths. They are also usually designed to be able to operate at low speeds. As they are not solely or principally designed for the transport on public roads of people, the MVSA does not apply to MMDs.
2. The department notes that the term motorised mobility scooter or mobility scooter has become common usage for those motorised mobility devices that are mainly used by people as a mobility aid. This is unfortunate because the term motorised scooter (as defined in the Motor Vehicle Standards (Road Vehicles) Determination 2017) is used about a device that is designed to be used by a single person; has two or more wheels and a footboard supported by the wheels and is steered by handlebars. Some of these are low powered, i.e. less than 200 watts or speed controlled to less than 25 km/h. They are usually the small scooters that a person stands on while scooting with one leg or standing on the board if the device has a motor. Those motorised scooters that are higher powered typically fall into the moped vehicle categories (LA, LB, LC or LE) as defined by the Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005.
3. To avoid confusion the department will make an adjustment to the sub heading of motorised wheelchair in the Motor Vehicle Standards (Road Vehicles) Determination 2017 and its replacement the Road Vehicle Standards (Classes of Vehicles that are not Road Vehicles) Determination to replace ‘motorised wheelchair’ with ‘motorised mobility device’, in line with the terminology used by NTC and Austroads papers.
4. The department supports the proposed change to the ARRs, noting that it does not have a direct role in administering those arrangements.

Conclusion

1. The department agrees with the proposed changes to the ARRs, as set out in the discussion paper.
2. The department has started work to ensure that Commonwealth legislation aligns with the broader terminology of ‘motorised mobility device’.