Responses to NTC RIS re: Motorised Mobility Devices (wheelchairs / mobility scooters)

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.

**Victoria Police supports the alignment of weight limits** to SA TS3695.3.2018. (with no alteration to the max. 10km/h limit)

* This results in the increased tare weight of motorised mobility scooters to 170kg,  with a laden weight limit of 300kg.
* The unladen (tare) weight limit for motorised wheelchairs would be removed, but retain a laden weight limit of 300kg.
* This provides for increased stability of devices and accessibility to market, and complies with the Disability Standards for Accessible Public Transport which has a maximum safe working load of 300gs for access ramps.

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.

Background:

The ARRs currently classify motorised wheelchairs (which includes motorised mobility scooters) differently based on device capability; either as a pedestrian or a vehicle. This results in confusion as to which road rules motorised wheelchair users should follow.

Specifically,

* ARR15: provides that a motorised wheelchair (including a mobility scooter) that can *travel over 10km/h* is classified as a vehicle.
* ARR18: provides that a person driving a motorised wheelchair (including a mobility scooter) that ***cannot*** *travel over 10km/h* is classified as a *pedestrian*.
* ARR 288(3): provides that the driver of a motorised wheelchair (including a mobility scooter) may drive on a path if:
  + The unladen mass of the wheelchair is not over *110 kilograms*; and
  + The wheelchair is *not traveling over 10 kilometres per hour*; and
  + Because of the driver’s physical condition, the driver has a reasonable need to use a wheelchair.

*This mean  that under the Road Rules a MMD that can travel over 10km/h can be legally used on a path, providing it does not travel over 10km/h.*

However, regardless of the speed travelled this type of MMD is classified as a vehicle meaning the MMD user is not required to comply with pedestrian road rules.

On the other hand, while a MMD that cannot travel over 10km/h can also legally be used on a path, the MMD user is considered a pedestrian and is required to comply with pedestrian road rules.

To further complicate matters, a MMD that can travel over 10km/h is not exempt from the definition of Motor Vehicle per s3 of the Road Safety Act 1986:-

***motor vehicle*** means a vehicle that is used or intended to be used on a highway and that is built to be propelled by a motor that forms part of the vehicle but does not include—

(a) a vehicle intended to be used on a railway or tramway; or

(b**) a motorised wheel-chair capable of a speed of not more than 10 kilometres per hour which is used solely for the conveyance of an injured or disabled person**

*So, by exception, any MMD capable of more then 10 km/h (whether or not it is so doing that speed) is a motor vehicle – and is therefore subject to Part 2 (Registration) but is non-compliant for the purposes of registration & road worthy standards, Part 3 (Licensing)  and Part 5 (Drink / Drug driving).*

**Victoria Police response:**

Whilst in principle it seems logical for any MMD that can travel at less than 10km/h, and any attendants on foot, to be classified as pedestrians, regardless of where they travel (road or path) – there is risk in blanket definitions.

Without strong governance as to who can use an MMD, it is inevitable that devices capable of speeds of 15 - 25kmh will be used as an alternative form of transport for able bodied persons who either do not have a licence, or feel it is quicker than walking. -  and the kinetic energy transfer in collisions will undoubtedly lead to increased serious injury / deaths amongst pedestrians.

Without appropriate governance these devices, which are now significantly heavier,  pose a significant risk to pedestrians (old and young) through users impaired by alcohol or drugs.

* Regulation must be sufficiently clear that an MMD may only be used with a current medical certificate from a GP or Occupational Therapist, and that only devices capable of 10km/h or less are subject to pedestrian rules.
* Any other device, capable of more than 10km/h, or used by an unauthorised person remains a motor vehicle.
* As MMD are not equipped with speedometers, without governing the device to a maximum 10 km/h – either as a technical standard or after market,  users may inadvertently break the law as they would have no awareness of the speed at which they are travelling.

These measures ensure that those who have a genuine need for mobility assistance can safely access that assistance, whilst those who choose an MMD as an alternate mode of travel can be both regulated and sanctioned as necessary.