

**Vision Australia Submission to  
National Transport Commission**

**Authorised by Chris Edwards, Manager Government  
Relations, Policy and Advocacy, Vision Australia**

**Submitted on 14 March 2019**

**Further information: Bruce Maguire, Lead Policy Advisor  
02 9334 3173 or [bruce.maguire@visionaustralia.org](mailto:bruce.maguire@visionaustralia.org)**

**Introduction**

Vision Australia only very recently became aware of the National Transport Commission's (NTC) barriers in the Australian Road Rules that prevent the safe and legal use of innovative vehicles and motorised mobility devices inquiry \*\*\*into the barriers in the Australian Road Rules that prevent the safe and legal use of innovative vehicles and motorised mobility devices (the Inquiry)\*\* perhaps delete or shorten the sentence. We therefore appreciate the extension of time for making this submission. The increasing prevalence of both mobility scooters and electric rideables generally is of significant concern to pedestrians who are blind or have low vision, and it is of the utmost importance that these concerns are widely promoted and effectively addressed by governments and the community.

Australia has signed and ratified the UN Convention on the Rights of Persons with Disabilities, and as such is bound to promote, respect and uphold the rights that it asserts. Among the obligations to which States Parties to the Convention agree are the provision of equal access to the physical environment (Article 8) and the provision of equal access to "... Buildings, roads, transportation and other indoor and outdoor facilities, ..." (Article 9). It is our strong view that the manner in which electric scooters and other rideables are being introduced or contemplated in some states/territories in Australia is inconsistent with these obligations.

At the same time, however, it is important to recognise that the Convention also asserts the right of persons with disabilities to independent personal mobility (Article 20). It is reasonable to consider mobility scooters as enhancing the personal mobility of users with disabilities. Any discussion of scooters, rideables and innovative vehicles must therefore distinguish clearly between the different purposes for which these vehicles are used, but in all cases minimise the adverse impact on pedestrians, including pedestrians who are blind or have low vision.

Domestically, the Disability Discrimination Act (DDA) makes it unlawful to discriminate against (treat less favourably) persons on the basis of disability in key areas of life, including access to premises. The DDA defines "premises" very broadly, so as to include roads, footpaths and other "places" that are not generally thought of as "premises". It is our strong view that insufficient attention is being paid to the potentially discriminatory and actionable consequences of regulation and practice around the use of electric scooters and other rideables.

We draw the Commission's attention to recent litigation that has been launched in the US by a disability advocacy group against the city of San Diego and three electric scooter rental companies, including Lime. The class action alleges that San Diego and the scooter companies have failed to prevent scooter rides from riding and parking their scooters on sidewalks, and hence have discriminated against people with disabilities by blocking equal and safe access.<sup>1</sup> There is mounting concern in Australia about the way in which electric scooters are being introduced, and Vision Australia supports the view of other organisations that electric scooters represent a very serious and unprecedented threat to the safety and security of pedestrians, especially pedestrians who are blind or have low vision. We would expect that legislation such as the

---

<sup>1</sup> <https://www.npr.org/2019/03/04/698768297/disability-rights-group-sues-san-diego-over-scooters-on-sidewalks>

DDA will be used by individuals and groups who believe that they are being discriminated against by the introduction of electric scooters because their safety and security are being put at greater risk.

## Our Views

While we support innovation and recognise that electric scooters can be a convenient way of travelling short distances in CBD areas, it is our strong view that there is no justification whatsoever for allowing any rideable vehicle such as an electric scooter to travel at speeds greater than 10 km/h on footpaths that are available for use by pedestrians. The raising of this speed limit to 25 km/h, as has been done in Queensland, is in our view completely irresponsible and shows a wanton disregard for pedestrian safety, especially pedestrians who are blind or have low vision.

One of our clients reported an experience they had recently where they disembarked from a taxi almost straight into the path of an oncoming scooter (in this case, not an electric scooter, fortunately). The client said that had they been a few centimetres further from the taxi door they would have been hit by the scooter, whose rider would not have had time to stop or otherwise avoid a collision. They further noted that the scooter was near-silent, and the only reason they knew it was there at all was that the taxi driver alerted them and they heard a faint swish as the scooters sped past.

We know from evidence presented by organisations including the Pedestrian Council of Australia and Victoria Walks that there has been an increase in scooter-related injuries wherever they have been allowed to travel on footpaths, including in Queensland. We also understand that there have been several overseas reports of deaths related to the use of electric scooters. We do not have any data at this stage on injuries sustained by pedestrians who are blind or have low vision, but we know from interacting with our clients that many people who are blind or have low vision are becoming extremely fearful of walking on the footpaths in areas where electric rideables are permitted to travel at speeds in excess of 10 km/h. These fears arise not only from the potential for serious and permanent injury that a collision with a fast-moving scooter, but also from the fact that they are either near-silent or completely inaudible against the ambient noise level in most city and suburban areas, so it is impossible for a person who is blind or has low vision to detect their approach and attempt to take evasive action. Moreover, we have received reports of people who are blind or have low vision being pushed off the footpath by scooter riders, or receiving "clipping" blows from electric scooters brushing past them on the footpath. These situations are completely unacceptable, and seriously violate the basic human right of people who are blind or have low vision to walk safely and securely on footpaths that are available to pedestrians.

As noted earlier, we do understand the importance of motorised mobility devices such as mobility scooters for people who need them. We also understand that there are some situations where users of these mobility devices may find it more convenient or even necessary to travel at faster speeds, for example in regional and rural areas where there may be increased distances to travel to shops, schools and other places. However, we cannot at this stage support an increase in the current speed

limit of 10 km/h because of the potentially serious impact on the safety of other pedestrians, especially pedestrians who are blind or have low vision. We would welcome the opportunity to participate in discussions about alternative solutions that would meet the needs of people who use motorised mobility devices without compromising the safety and security of pedestrians who are blind or have low vision.

Our experience working with people who are blind or have low vision in Queensland suggests that the haphazard and unzoned approach to parking (or, rather, dumping) rented scooters is causing significant travel hazards. It is easy for a white cane to become caught in the wheels of these scooters, which can lead at best to disorientation and at worst to falls and consequent injuries. It is our strong view that designated areas must be set aside for the parking of rental scooters and other rideables so that they do not present obstacles for pedestrians who are blind or have low vision.

## **Conclusion**

Vision Australia has very serious concerns about the manner in which electric scooters and other rideables are being permitted to proliferate in Australia without sufficient regard for the safety of pedestrians who are blind or have low vision. We have provided this short submission as a way of expressing these concerns and initiating further consultation.

We would very much welcome the opportunity to have discussions with the Commission about the concerns we have raised. In the meantime, we will continue to campaign vigorously and publicly for the safety, security, dignity and independence of pedestrians who are blind or have low vision.

## About Vision Australia

Vision Australia is the largest national provider of services to people who are blind, deafblind, or have low vision in Australia. We are formed through the merger of several of Australia's most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families.

Vision Australia service delivery areas include: registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment, Assistive/Adaptive Technology training and support, Seeing Eye Dogs, National Library Services, Early childhood and education services, and Felix Library for 0-7 year olds, employment services, production of alternate formats, Vision Australia Radio network, and national partnership with Radio for the Print Handicapped Spectacles Program for the NSW Government Advocacy and Engagement. We also work collaboratively with Government, businesses and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 26,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation. Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant Client Reference Group, with people who are blind or have low vision representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment. Vision Australia also has a Memorandum of Understanding with, and provides funds to, Blind Citizens Australia, to strengthen the voice of the blind community.