



28th February 2019

**Attn: Barriers to the safe use of innovative vehicles and motorised mobility devices
(January 2019)**

National Transport Commission: Issues Paper
Submitted online via the NTC submission portal

Thank you for the opportunity to provide feedback on the *Barriers to the safe use of innovative vehicles and motorised mobility devices* January 2019 Issues Paper.

IAG believes that innovative vehicles and motorised mobility devices offer significant opportunities to enhance community access and mobility for all Australians. We see safe, community access as a critical component of building strong and connected Australian communities. IAG therefore supports the NTC's effort to investigate and understand the barriers that may inhibit the safe use of these devices.

Assessment of the current barriers to the safe use of innovative vehicles and motorised mobility devices should be guided by the safe systems approach. This approach underpins the current National Road Safety Strategy 2011-2020 and facilitates a holistic view of the road transport system including roads, road related areas, travel speeds, vehicles and road users. Using this framework will ensure that all possible barriers and opportunities related to the use of innovative vehicles are explored.

IAG suggests that urban planning is one element of a safe system approach that requires further consideration within NTC's current investigation. Urban planning and transport infrastructure will be essential elements for creating and supporting the use of innovative vehicles. IAG believes that good urban planning can create safe "rights of way" which will work towards greater use of innovative vehicles and motorised mobility devices.

In addition to the above, IAG supports the NTC's prioritisation of the development of a national regulatory framework for innovative vehicles and motorised mobility devices. A national

framework will provide clarity for the public and industry stakeholders as to the when and where innovative vehicles and motorised mobility devices can be used safely and legally.

About IAG

Our purpose is to make your world a safer place, which means we are working to create a safer, stronger and more confident tomorrow for our customers, partners, communities, shareholders and our people throughout Asia Pacific. IAG is the parent company of a general insurance group, with operations in Australia and New Zealand. Our businesses sell insurance under many leading brands, including: NRMA Insurance, CGU, SGIO, SGIC, Swann Insurance and WFI in Australia; NZI, State, AMI and Lumley Insurance in New Zealand.

As one of the largest motor vehicle insurers in the Asia-Pacific, IAG develops, underwrites, sells and manages claims for general insurance products that are sold directly and indirectly to customers and businesses. IAG insures over 3.2 million passenger vehicles in Australia. IAG also provides CTP insurance in New South Wales, South Australia and the Australian Capital Territory.

With this response, IAG continues with contributions to the range of NTC discussion papers as we aim to take a leadership role in promoting the safe, accessible and connected communities.

1. What characteristics need to be considered when defining what an innovative vehicle is?

An innovative vehicle, by its inherent nature (of being innovative/new) will be extremely difficult to define via a predetermined set of characteristics. It may therefore be more effective to categorise vehicles or devices by their function or purpose. Using purpose to underpin a classification system could then allow for sub classifications which would group distinct device characteristics.

For example, there may be value in defining a new vehicle class for devices which facilitate motorised transport for short trips on the roadway. The length of the trip may be determined by the battery life of the device thus battery capacity may be a determinant of sub classification.

A second vehicle class could be devices which are the primary means of local community mobility for an individual. Once again device characteristics and operational domains could define sub classifications such as maximum speed and device dimensions.

If device purpose is the key factor used to develop a classification system, then the following device characteristics will be important to consider:

- Maximum speed of device. The Transport Accident Commission (TAC) in Victoria has identified that impact forces of just 30km/h are enough to be fatal -such as striking a pedestrian.

- Dimensions of the device - if it is to be used safely in road related areas the device will need to be of a size that facilitates safe passing on access pathways.
- Operational domain specified for the device - roads, road related areas or both
- Number of people that the device can transport. Currently devices which have been identified as innovative by the NTC have been designed to carry one person, but this may change in the future with devices carrying more than one person or no people (instead delivering goods).
- Distances devices can travel on one “charge”
- What type of motor powers the device
- Control mechanisms of the device – braking, steering
- Licensing/age of use restrictions

2. What differences between motorised wheelchairs and mobility scooters need to be recognised by this project.

The NTC has highlighted that motorised wheelchairs are often an individual's primary and only means of mobility. Any regulatory framework that is developed for motorised mobility devices will need to ensure that it does not limit an individual's ability to participate in their community or their ability to complete their activities of daily living.

Although a large majority of those who use mobility scooters have sufficient mobility to walk short distances this is not always the case and again there will be some individuals who will be solely reliant on mobility scooters for community mobility. Both motorised wheelchairs and mobility scooters will need to be carefully considered within any regulatory framework to ensure that the rights of people with disabilities are not restricted.

3. What uses of innovative vehicles need to be considered as part of this investigation?

Innovative vehicles may be used for a variety of purposes depending on the user's needs and capabilities. For some an innovative vehicle may be purely used for recreation. For example, a child might have a self-balancing scooter which they use on the weekends at the local playground. For others the device might be essential for them to be able to mobilise each day (e.g. motorised wheelchair) or to commute to work (electric scooter). There is also the potential for innovative vehicles to be used purely for deliveries (no driver/rider). All innovative vehicle uses need to be considered and may be a factor that is pivotal in determining how the vehicle is classified within a regulatory framework.

4. What key factors need to be considered when determining safe rules of operation for innovative vehicles on roads and road related areas?

The key factors have been discussed in question 1 above. These include:

- Maximum speed of device. The Transport Accident Commission in Victoria has identified that impact forces of just 30km/h are enough to be fatal -such as striking a pedestrian.
- Dimensions of the device - if it is to be used safely in road related areas the device will need to be of a size that facilitates safe passing on access pathways.
- Operational domain specified for the device - roads, road related areas or both
- Number of people that the device can transport. Currently devices which have been identified as innovative by the NTC have been designed to carry one person, but this may change in the future.
- Distances devices can travel on one “charge”
- What type of motor powers the device
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5. What are the practical and measurable outcomes required from a nationally-consistent policy and regulatory framework for innovative vehicles?

Practically, a nationally consistent policy and regulatory framework for innovative vehicles and motorised devices would need to provide clear guidance as to where and when devices can be used. This guidance needs to be based on safety evidence and needs to be developed in conjunction with urban planning and transport infrastructure groups. All these areas will need to work with a co-ordinated approach to achieve the goal of providing safe access pathways to public activities and services for all community members.

Measurable outcomes could include:

- Increase in the number of innovative vehicles being safely used by commuters
- Increased community access for people with all levels of ability
- Greater public awareness of the safety risks associated with innovative vehicle use
- Decreased numbers of injuries and fatalities related to innovative vehicle use (figures adjusted for increased use)

6. What evidence-based distinctions between acceptable and unacceptable levels of risk associated with the use of innovative vehicles could be considered to inform the way that innovative vehicles are regulated?

In this issue paper the NTC has acknowledged that there is extremely limited data currently available regarding the use, safety risks and accident incidence associated with innovative vehicles. Collection of such data is a priority for informing the development of appropriate regulatory frameworks for innovative vehicles.

To facilitate data collection in this area there is a need to develop a classification system for innovative vehicles/motorised devices which allows for capturing not only the device type but also the environment in which it is was operating after an accident resulting in an injury or a fatality. As a starting point the TAC has identified that impact forces of just 30km/h are enough to be fatal in incidents such as striking a pedestrian. If we are to adopt a zero-tolerance approach to deaths and serious injury from innovative vehicles, any vehicle travelling at speed greater than this, should not be allowed to travel in a road-related area unless the area has been designed for this purpose e.g. a separated “Right of Way”. For example, an urban plan may have incorporated a safe access pathway in their design to access public facilities.

7. What barriers and health and safety risks are associated with the use of a motorised mobility device that does not meet the needs of a user because of the current restrictions?

The NTC issues paper has highlighted that the current weight and speed restrictions for motorised mobility devices, adopted by the Australian Road Rules (ARR), conflict with international standards. This has the potential to act as a significant barrier for people with disabilities, restricting their choice and control over the mobility device they use to access and participate in the community. IAG supports review of the ARRs and consideration of the advantages and disadvantages of aligning the road rules with other international jurisdictions.

8. How do current classifications of drivers of wheelchairs as both pedestrians and vehicles in the Australia Road Rules create confusion?

In the ARR the speed and weight of a wheelchair is central to determining whether the wheelchair user should be classified as a pedestrian or a driver. It may be of more value to consider the environment in which the wheelchair is being used as the determinant of whether an individual using a wheelchair is to be classified as a pedestrian or a driver. Safety in both environments could then be promoted by defining behaviours which should be displayed in each environment. For example, when driving on the road a wheelchair user should keep as close to the kerb or shoulder as practicable and safe.

9. Is there a need for construction and performance requirements for motorised mobility devices to ensure safe use on public transport infrastructure?

In this issue paper the NTC discuss the development of the Technical Specification (AS TS3695.2.2018) Requirements for designation of powered wheelchairs and mobility scooters for public transport and/or area use (2018). The details of this Technical Specification (outlined in the paper) appear to address needs of safe use of motorised mobility devices on public transport infrastructure.

It would seem practical and prudent that a similar set of Technical Standards could be developed (using TS3695.2.2018 as a framework) for innovative vehicles to ensure the safety of both vehicle/device users and those who use public transport.

10. What evidence is available on the road safety risks associated with motorised mobility devices that could be used to inform the way motorised mobility devices are regulated?

See answer to question 6.

IAG welcomes the opportunity to discuss any issues raised in this submission further. Please contact Louise Kerkham, Principal, Public Policy & Industry Affairs on 02 9292 1206 or Kate Hopman, Manager, Road Safety & Regulatory Policy on 02 9088 9836.

Sincerely,

Cecilia Warren
Director, Research & Development
IAG