



Australian Government

Department of Infrastructure,  
Regional Development and Cities



## Senate Standing Committee on Rural and Regional Affairs and Transport References Committee

Inquiry into the need for regulation of mobility  
scooters, also known as motorised wheelchairs

April 2018





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## Introduction

The Department of Infrastructure, Regional Development and Cities (the Department) appreciates the opportunity to comment on the issues identified in this inquiry. The Department is responsible for the design and implementation of the Australian Government's infrastructure, transport and regional development policies and programs.

### Response to Terms of Reference

The terms of reference of the Committee's inquiry into the need for regulation of mobility scooters, also known as motorised wheelchairs, refers to:

(c) any current regulations governing the use of mobility scooters throughout Australia.

This response addresses (c) of the terms of reference, as this is the focus of this department's interaction with the terms of reference of this Inquiry. The response uses the term 'motorised mobility aids' to cover both mobility scooters and motorised wheelchairs.

Motorised mobility aids are devices primarily intended for assisting those with disability and/or limited mobility to travel off the road network. They are not road vehicles and so are out of scope of the Motor Vehicle Standards Act 1989 (MVSA) (which is administered by this department), falling under state and territory control regarding their use.

State and territory road rules determine which devices are allowed on footpaths and cycle ways. The Australian Government works with states and territories to jointly develop and maintain national model laws called the Australian Road Rules (ARRs). These are administered by the National Transport Commission (NTC) and states and territories base their road rules on them. Effectively, the ARRs set mass and speed restrictions on mobility scooters when used on footpaths (110 kg/10 km/h).

The Commonwealth Disability Discrimination Act 1992 (DDA), administered by the Attorney General's Department (AGD), allows the Australian Government to make standards to eliminate discrimination against people with disability, ensuring they have equal rights to the rest of the community. The Australian Government has made the 'Disability Standards for Accessible Public Transport 2002' (the Transport Standards) under the DDA (at Attachment A).

The Transport Standards are administered on behalf of AGD by the Department. The Transport Standards clarify the broad obligations under the DDA, to assist public transport providers and operators to comply with these obligations, and play a role in ensuring people with disability are able to fully participate in, and contribute to, society and the economy by increasing the accessibility of public transport conveyances, infrastructure and premises.

## Disability Standards for Accessible Public Transport 2002 (Transport Standards)

The Disability Standards for Accessible Public Transport 2002 (Transport Standards) articulate broad obligations under the DDA and assist public transport providers and operators to comply.

The Disability Standards for Accessible Public Transport Guidelines 2004 (No.3) ([at Attachment B](#)) detail a number of criteria that reflect assumptions underlying the Transport Standards. They support the Transport Standards and are provided as a guide for designers of mobility aids and intending users who are considering purchasing a mobility aid for use on public transport.<sup>1</sup>

### Disability Standards for Accessible Public Transport Guidelines 2004 (No.3)

#### Section 40.1 – Criteria for mobility aids in Disability Standards

Aspect	Criteria
Weight	The total weight to be supported by a boarding device needs to be not more than 300 kg.
Width	The overall width of the mobility aid needs to be less than 800 mm.
Head height	The maximum door clearance into a taxi is 1500 mm.
Manoeuvrability	The mobility aid would need to be capable of turning through 180 degrees within an area of 2070 mm by 1540 mm.
Allocated space	The space for stationary mobility aids is 800 mm wide by 1300 mm long.
Wheels	A mobility aid should be able to: (a) cross a horizontal gap up to 40 mm wide; and (b) mount a vertical rise (bump) up to 12 mm; and (c) cross grating gaps up to 13 mm wide and 150 mm long
Brakes	Mobility aids need to have effective braking systems to maintain stability and be able to withstand acceleration, braking, cornering and pitching of conveyances
Anchoring devices	If anchoring devices are required by regulation, mobility aids need to be able to accept and travel with anchoring devices fitted.
Ramps	Mobility aids should be able to negotiate: (a) a 1 in 14 ramp unassisted; and (b) a 1 in 8 grade where the ramp is less than 1520 mm
Batteries	Electric mobility aids may need to comply with regulations governing the carriage of batteries on public transport. Batteries need to be adequately secured while gel or solid state options should be considered.

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<sup>1</sup>Disability Standards for Accessible Public Transport Guidelines 2004 (No.3) – Part 40 / pg.48



## Review of the Transport Standards

Part 34 of the Transport Standards requires the Minister for Infrastructure and Transport, in consultation with the Attorney-General, to review the efficiency and effectiveness of the Transport Standards every five years. The review must include consideration of whether discrimination has been removed, as far as possible, according to the compliance timetable set out in Schedule 1 of the Transport Standards and identify any necessary amendments to the Standards.

The first review of the Transport Standards commenced in 2007. The second review commenced in 2012. On 17 December 2017 the former Minister for Infrastructure and Transport released the Terms of Reference of the third Transport Standards review.

Both the first and second reviews of the Transport Standards raised concerns with regard to the use of motorised mobility aids on public transport conveyances.

### First Transport Standards review (2007)

The first Transport Standards review commenced in May 2007 and the review report and Australian Government response were released in June 2011.

Recommendation 5 of the review called for the development of a mobility aid labelling scheme to provide guidance to public transport operators and the disability community on which motorised mobility aids fit within the dimensions of allocated spaces, boarding devices, access paths and manoeuvring areas on conveyances ([at Attachment C](#)).<sup>2</sup>

The Australian Government response in June 2011 ([at Attachment D](#)) supported this recommendation in principle.<sup>3</sup> The Government agreed that a mobility labelling scheme could be beneficial to public transport operators, providers and motorised mobility aid users. The Government also recognised that operators and providers may face difficulties in determining whether a particular motorised mobility aid is compliant with the dimensional limitations set out in the Transport Standards. The introduction of such a scheme would also provide motorised mobility aid users some assurance as to what transport conveyances they could access.

The development of such a scheme and associated issues were explored by this department in consultation with the Accessible Public Transport Jurisdictional Committee (APTJC). APTJC predated the current national committee, the National Accessible Public Transport Advisory Committee. APTJC's membership was comprised of representation from all state and territory governments, the Australian Local Government Association and AGD. At that time it was concluded that an effective scheme would require the engagement of states and territories. Despite that exploration, funding constraints at that time meant that that recommendation was not able to be progressed.

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<sup>2</sup> Pg. 21 - Review of the Disability Standards for Accessible Public Transport Final Report October 2009 – The Allen Consulting Group

<sup>3</sup> Pg. 11 - Commonwealth Government response – Review of the Disability Standards for Accessible Public Transport – December 2010

## Second Transport Standards review (2012)

The second Transport Standards review commenced in October 2012 and heard from a wide range of stakeholder groups that a motorised mobility aid labelling scheme should be developed to provide guidance to public transport operators and the disability community on which motorised mobility aids fit within the dimensions of allocated spaces, boarding devices, access paths and manoeuvring areas on conveyances.<sup>4</sup>

All public transport mode operators, including operators of small aircraft, called for the development of a motorised mobility aid labelling scheme. This work was intended to assist both potential purchasers of mobility aids at the point of sale, and to assist public transport operators to make a timely decision on whether to allow motorised mobility aids onto public transport conveyances.

Stakeholders identified the benefits that could be obtained from implementing a national motorised mobility aid labelling scheme. For example, the aviation sector strongly supported the identification of dimensions and weights as a vital aid to deciding if and where motorised mobility aids could be stowed in aircraft holds.

Recommendation 5 of the second Transport Standards review proposed that the Australian Government, in collaboration with state and territory governments, develop and implement a national motorised mobility aid labelling scheme (the report of the second review is at [Attachment E](#)). The Australian Government response ([at Attachment F](#)) noted the recommendation.<sup>5</sup>

Currently there is still no national motorised mobility aid labelling scheme, work to create such a scheme continues. In responding to the first and second reviews, the Department became aware of work being undertaken by Austroads, the association of Australian and New Zealand road transport and traffic authorities, to develop a national framework for motorised mobility aids. The development of a labelling scheme was included in this work at the Department's request.

As part of this work Austroads is currently drafting an Australian Standard Technical Specification in partnership with Standards Australia that sets speed limits of motorised mobility devices for footpath and public transport use including the incorporation of a switch that will enable an operator to limit the maximum speed to 5 kilometres per hour or less for use in areas of high pedestrian use such as shopping centres.

It is proposed that the technical specification will be incorporated into a package of proposed amendments to the Australian Road Rules that will be subject to consultation in 2018-19 prior to consideration by transport ministers. The Department is aware that Austroads has provided a submission to this Senate Inquiry (Submission 64) concerning that project.

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<sup>4</sup> Pg. 112 - Review of the Disability Standards for Accessible Public Transport 2002 – Final Report July 2015

<sup>5</sup> Pg. 3 - Australian Government response to the review of the Disability Standards for Accessible Public Transport 2002 – July 2015

## Completed Guidance Material for Airline and Airport Operators

In January 2017, the Department produced guidance material for passengers, airline and airport operators on the Carriage of Mobility Aids ([at Attachment G](#)). Early feedback from members of the Aviation Access Forum, which includes representatives from the disability and aviation sector, has been positive.

The guidance material details that passengers travelling with battery-powered mobility aids should notify the airline at least 48 hours in advance as approval may need to be obtained from the airline. This ensures airlines are able to safely carry mobility aids and meet any aviation safety requirements regarding the correct carriage of batteries.

The procedures followed by an airline are dependent on the type of battery fitted to a mobility aid and the ability to load, stow and unload the mobility aid in the upright position and in freewheel mode through the aircraft cargo compartment doors to an anchor point in the cargo hold. In some cases, these requirements may not allow battery powered mobility aids to be carried onboard smaller aircraft or may limit the number of battery powered mobility aids that can be carried.

## Attachments

Attachment A: Disability Standards for Accessible Public Transport 2002

Attachment B: Disability Standards for Accessible Public Transport Guidelines 2004 (No.3)

Attachment C: Review of the Disability Standards for Accessible Public Transport Final Report October 2009 – The Allen Consulting Group pp 21-22

Attachment D: Commonwealth Government response to the review of the Disability Standards for Accessible Public Transport 2002 – June 2011

Attachment E: Department of Infrastructure and Regional Development, July 2015, Review of the Disability Standards for Accessible Public Transport 2002 - Final Report

Attachment F: Department of Infrastructure and Regional Development, July 2015, Australian Government response to the Review of the Disability Standards for Accessible Public Transport 2002 Final Report

Attachment G: Carriage of Mobility Aid - Guidance Material for Airline and Airport Operators. Aviation Access Forum (January 2017)