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National Transport Commission  
Level 3, 600 Bourke Street  
Melbourne VIC 3000  
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To whom it may concern,

**Re: Call for Submissions – Barriers to the safe use of innovative vehicles and mobility devices**

Wyndham City Council (Council) welcomes the opportunity to provide comments on the National Transport Commission (NTC) review into the regulatory barriers preventing the safe use of innovative vehicles and motorised mobility devices. Having read the issues paper, we submit the following comments:

**Innovative vehicles**

It is difficult to define innovative vehicles as they are still evolving. The features of many vehicles that will be on the market in the future are still unknown and may include artificial intelligence. It is important to future-proof definitions and regulations to place regulators in a position to influence the direction of innovation whilst continuing to allow flexibility to capture future changes and possible 'smart' innovative vehicles.

The review should consider competitive use of innovative vehicles, personal use as a first and last mile alternative, and commercial use for deliveries and dockless share schemes.

In Victoria, electric scooter companies are seeking to expand their dockless share schemes and are contacting local councils seeking trials. 'Lime' has been granted an exemption from Brisbane City Council to trial e-scooters at 25km/h. Data from this trial should be used to inform future regulatory decisions.

There is limited understanding of the safety risks associated with innovative vehicles and uncontrolled use may result in potential risks to the scooter operator and other road users. Many users will also be underage or without a motor vehicle license. As such, alternative licensing options may need to be investigated and education will need to be provided to ensure safe and responsible use.

**Motorised mobility devices**

The Issues Paper correctly identifies the difference between motorised wheelchairs and mobility scooters despite both being referred to as Motorised Mobility Devices (MMDs). Motorised wheelchairs are designed for people with a permanent disability as a primary mode of mobility and are prescribed by a qualified health professional and custom fitted to meet specific needs. They are also compact and able to be used on public transport, and wheelchair accessible taxis.

Mobility Scooters are often used as an alternative mode of transport by older people or people with physical limitations and are not permitted for use on public transport or in wheelchair accessible taxis. As these

devices can often be purchased independently, without the need for an assessment by a health professional, it is unknown whether the users receive safety training or advice.

In Victoria, re-sale of MMDs is not controlled or regulated and devices are able to be sold on internet buying and selling sites. Feedback received by Council indicates that some devices are being sold that are not well maintained or faulty with no professional involvement or guidance. Consideration should be given to the regulation of private re-selling of MMDs to ensure that potential users are well informed and purchasing safe, reliable devices.

Although technical standards for motorised mobility devices have been published to specify the minimum requirements necessary for MMDs to access public transport, footpaths and other Australian road-related areas, it is unknown whether purchasers are aware of the standards. The cost of purchasing the standards, \$115.38 for a PDF copy and \$128.19 for a hard copy, create a barrier and make it difficult for purchasers to know whether a device is fit for purpose.

Retail suppliers and health professionals should have purchasing guides available at point of sale. Information, such as the VicRoads 'Guide for choosing and using motorised mobility devices' and hard copies of the MMD technical standards should be free and distributed to all suppliers, health professionals and device users.

Many motorised scooters are designed according to European guidelines and may not meet Australian requirements on speed, dimensions and unladen mass. Keeping the speed restrictions at 10km/h may result in MMDs that are currently in use becoming illegal for use, potentially inhibiting access to the community for users. Council supports the European standard of a 15km/h speed limit with a slow switch to 6 km/h for designated and signed high pedestrian areas.

Design guidelines for MMDs should ensure that harm is minimised whether it be through the addition of a 'bumper' design or the mandatory addition of lights, bells or other noise making requirements. Braking and stopping distance should be mandated and consideration should be given to a re-assessment process where users visit a health professional on a periodic basis to ensure they are physically capable of using an MMD independently and safely.

### ***Constraints in current infrastructure design***

Current Precinct Structure Plan design guidelines have been created for pedestrians and bicycles and are not able to cater for a diverse range of users. There are legacy issues across growth areas built to date which may require upgrades and changes to local path infrastructure. This will continue unless the Victorian Planning Authority reviews all Precinct Structure Plans, as a matter of urgency, to acknowledge MMDs and other path users.

The trend in Victorian growth areas has been to construct shared paths rather than separated on-road bike lanes. In these areas, pedestrians share a path with users of motorised wheelchairs, MMDs, innovative vehicles and cyclists. Current shared path spaces are not able to accommodate an increase of users using different types of vehicles therefore we recommend a mandatory minimum 3 metre width on shared paths to allow for additional users, accompanied with relevant updates to the Australian Standards, council drawings and manuals.

Existing public spaces and transport infrastructure may not be suitable for some of the MMDs currently available on the market. There are breaks in the path networks which can make transitions difficult for MMD users. We recommend further investigation into the need for upgrades to path infrastructure to provide an accurate picture of the upgrades required to correct legacy issues. We also recommend that there should be clarity of who will be liable for the costs and provision of additional sources of funding to mitigate sudden and unexpected costs for local councils.



## **The impact of regulation**

The Issues Paper outlines the current regulatory environment for MMDs and innovative vehicles. Presently, the Australian Road Rules only acknowledge motorised scooters, making innovative vehicles illegal for use on roads or road-related areas. There is confusion as to which circumstances allow these vehicles to be used on roads or paths and whether this is consistent across all motorised vehicle types.

Current MMD classifications in the Australian Road Rules are not clear. Users may not be aware of different operating requirements under different circumstances and whether they can travel on the road or public transport.

The classifications of these vehicles and associated restrictions, as well as the national, state and local regulatory requirements that need to be adhered to, create a barrier for potential users. A detailed, nationally consistent regulatory framework is essential to ensure safe and easy access to the entire Australian road and path system. Council also recommends a clearly defined enforcement strategy to accompany any new regulations, this may include the provision of 'Smart Paths' that read the vehicle or licence code of users for accident and enforcement issues.

Council supports the Senate Rural and Regional Affairs and Transport's recommendation that 'Austroads' consider simple and low-cost licensing and registration arrangements, along with third-party insurance, as part of their investigation into a nationally-consistent framework for MMDs. Detailed evidence from the Queensland MMD registration requirements should be collected to evaluate its effectiveness and whether it should be replicated Australia-wide. Features of the Queensland model that should be considered in a national registration framework are:

- Compulsory third-party insurance which provides coverage in the event of a user causing injury to another person while on a road-related area
- The provision of a number plate, registration certificate and information on the road rules relating to motorised wheelchairs

The Technical Standards for MMDs, *Requirements for designation of powered wheelchairs and mobility scooters for public transport and/or road-related area use*, detail optional requirements for a blue or white permanently-affixed label that displays key device characteristics including make, model, length, width, unladen mass, maximum safe slope, year of production and a unique identifier. MMDs that meet specifications for use on public infrastructure are issued with a white label, and MMDs that are also likely to be suitable to access passenger transport are issued with a blue label. Consideration should be given to making these features a mandatory component of the national registration framework.

Finally, Council reinforces the need to ensure people of all ages and abilities are given the opportunity to remain mobile and independent, therefore we recommend further investigation into the impact of new regulations and restrictions on MMDs currently in use with a view to minimise disadvantage. All changes should also be accompanied with a comprehensive education program to ensure the safety of all network users.

If you would like to discuss this submission further, please contact me on 03 9742 0808 or email [griff.davis@wyndham.vic.gov.au](mailto:griff.davis@wyndham.vic.gov.au).

Yours faithfully



**GRIFF DAVIS**  
**MANAGER CITY TRANSPORT**

*Please note: this submission contains Officer comments only and has not been formally endorsed by Council.*

