



PARLIAMENT OF NEW SOUTH WALES

Joint Standing Committee on Road Safety (Staysafe)

REPORT 3/55 – MARCH 2014

REPORT ON NON-REGISTERED MOTORISED VEHICLES



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Membership

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Terms of Reference

That the Committee inquires into and reports on the increasing use of non-registered motorised vehicles, including mobility scooters, electric bicycles, Segways and quad bikes on public roads, footpaths and public land and their impact on road safety, with particular reference to:

- (a) the current status of non-registered motorised vehicles in road rules definitions and the extent of road safety problems related to their use
- (b) the adequacy of data collection for injury and fatality rates arising from the use of non-registered motorised vehicles
- (c) vehicle standards requirements for non-registered motorised vehicles, including vehicle design, engine capacity, mass and speed controls
- (d) the extent and effectiveness of education and the necessity for skills and competency training for users of non-registered motorised vehicles, particularly in relation to safe use
- (e) insurance implications of injuries and fatalities sustained and caused by non-registered motorised vehicles
- (f) any other related matters.

Chair's Foreword

The design and capacity of the road system to cater for a diverse range of vehicles is increasingly being tested with additional demand for access by a new category of vehicles. These vehicles add to the already congested space on roads and road related areas, particularly in metropolitan and urban settings. This inquiry responds to the emergence of non-registered motorised vehicles, such as mobility scooters, Segways and electric bicycles, on public roads and footpaths and examines their impact on road safety.

The use of non-registered vehicles results partly from a demand by commuters for alternative forms of travel in response to increasing transport costs and congestion. It also reflects a growing emphasis on personal health and fitness and, in the case of people with a disability, an opportunity to participate in community based activities and to enable access to the full range of available services. However the increasing use of non-registered vehicles has an impact on other vulnerable road users, as well as the vehicle users themselves.

The report has examined a range of issues including vehicle standards, accident data collection, skills and competency training and insurance issues, and looked at how local governments and other jurisdictions are handling the growing popularity of non-registered vehicles. The Committee has called for improved data collection in order to gauge the extent and impact of these vehicles on the road network, improved safety design standards, a greater compliance role for manufacturers and retailers, inclusion of these vehicles in planning guidelines, improved user training and targeted public education and awareness campaigns.

It is apparent that overall demand for these alternative modes of transport has now reached a critical stage and it is incumbent on policy makers and road safety practitioners to address the issues raised as part of the Committee's investigations. A positive response to the Committee's recommendations will ensure that the road system continues to adapt to the range of emerging new vehicles and that required monitoring and compliance processes are established to track their movements and ensure public safety.

I am pleased to present this Report and thank my fellow Committee Members and the Committee Secretariat for their contributions and assistance.

Greg Aplin MP
Chair

List of Findings and Recommendations

RECOMMENDATION 1 _____ 99

The Committee recommends that an interagency working group, comprising Transport for NSW, the Ministry of Health, NSW Police Force and WorkCover NSW investigates ways to improve data collection and research on injuries and deaths caused by non-registered motorised vehicles, as well as relevant risk factors.

RECOMMENDATION 2 _____ 99

The Committee recommends that the interagency working group examines means by which to improve coding in the Admitted Patient Data collection to differentiate between vehicle types.

RECOMMENDATION 3 _____ 99

The Committee recommends that the interagency working group also consider the provision of training for police on vehicle type recognition, in order to improve the accuracy of crash reporting.

RECOMMENDATION 4 _____ 99

The Committee recommends that Transport for NSW collaborates with local councils to encourage better reporting of crashes and incidents involving non-registered motorised vehicles through developing a smart phone application.

RECOMMENDATION 5 _____ 100

The Committee recommends that the NSW Government continues to progress the work being conducted with Austroads and other Australian jurisdictions to develop standard Australian Design Rule classifications for non-registered motorised vehicles.

RECOMMENDATION 6 _____ 100

While not pre-empting the current Austroads review, the Committee recommends that the Design Standards for mobility scooters be considered separately from those applying to motorised wheelchairs.

RECOMMENDATION 7 _____ 101

The Committee recommends that the NSW Government examine the feasibility of requiring manufacturers of electric bicycles to affix a label indicating the vehicle's power output to assist in enforcement and prosecution of illegally operated electric bicycles.

RECOMMENDATION 8 _____ 101

The Committee recommends that Transport for NSW produce a list of legal bicycle models that meet the 200 watt output limit for enforcement purposes, and that illegal bicycle use be recorded on a person's driving record.

RECOMMENDATION 9 _____ 101

The Committee recommends that the NSW Government gives consideration to mandating the use of safety equipment, such as helmets and protective clothing, when operating a quad bike.

RECOMMENDATION 10 101

The Committee recommends that the NSW Government reviews the WorkCover project on quad bike safety with a view to implementing a star rating system for quad bikes, if this proves feasible.

RECOMMENDATION 11 102

The Committee recommends that local and state governments take account of powered mobility device safety when designing or upgrading public infrastructure. To this end, the characteristics of non-registered motorised vehicles such as mobility scooters should be factored into the design of public places, as reflected in local and state government planning guidelines, including the Long Term Transport Master Plan, the State Road Safety Strategy, as well as local infrastructure plans.

RECOMMENDATION 12 103

The Committee recommends that the NSW Government examines the viability of establishing an accreditation system for mobility device retailers in order to ensure that consumers are provided with material containing safety warnings and user information as part of the sale process.

RECOMMENDATION 13 103

The Committee recommends that any accreditation system for mobility device retailers include a requirement to ensure that potential purchasers satisfy basic motor skills based competencies before purchasing such a vehicle.

RECOMMENDATION 14 104

The Committee recommends that the NSW Government investigates the feasibility of imposing a requirement for mobility scooters to be fitted with compliance plates or road worthiness certificates, prior to their sale. Vehicles would not be able to be imported for sale unless this condition is met.

RECOMMENDATION 15 105

The Committee recommends that Transport for NSW and the Motor Accidents Authority investigate the insurance liability and insurance coverage options for mobility devices.

RECOMMENDATION 16 105

The Committee recommends that Transport for NSW undertakes a public education campaign to inform the community of the risks of injury associated with the use of non-registered motorised vehicles and of the need for appropriate insurance to cover potential liability.

RECOMMENDATION 17 106

The Committee recommends that Transport for NSW examines the effectiveness of the scooter education and training pilot program implemented in British Columbia with a view to improving similar training programs delivered in NSW.

RECOMMENDATION 18 106

The Committee recommends that Transport for NSW and WorkCover NSW design specific road safety campaigns to increase community awareness of the safety risks of different classes of non-registered motorised vehicles and the importance of skills and competency based training.

RECOMMENDATION 19 107

The Committee recommends that non-registered motorised vehicle awareness also be included in pedestrian and road safety campaigns, such as Road Rules Awareness Week.

RECOMMENDATION 20 107

The Committee recommends that Transport for NSW updates relevant road safety publications, such as 'A Guide to using motorised wheelchairs', to make clear that advice on road rules and road safety also applies to mobility scooters.

Glossary

ACCC	Australian Competition and Consumer Commission
ACT	Australian Capital Territory
ADR	Australian Design Rules
ANCAP	Australian New Car Assessment Program
ATSA	Assistive Technology Suppliers Australasia
ATV	All-Terrain Vehicle
CEO	Chief Executive Officer
CTP	Compulsory Third Party
DVD	Digital Video Disc
FCAI	Federal Chamber of Automotive Industries
IPWEA – NSW	Institute of Public Works Engineering Australia (NSW Division)
LGA	Local Government Area
MAA	Motor Accidents Authority
MMS	Motorised Mobility Scooter
NPWS	National Parks and Wildlife Service
NRMA	National Roads and Motorists' Association
NRMV	Non-Registered Motorised Vehicle
NSW	New South Wales
PMD	Personal Mobility Device
RMS	Roads & Maritime Services
RTA	Roads and Traffic Authority
RUM	Road User Movement
RVA	Recreation Vehicle Area
SSV	Side-by-side Vehicle
Staysafe	Joint Standing Committee on Road Safety
TAFE	Technical and Further Education
TARS	Transport and Road Safety Research
TGA	Therapeutic Goods Administration
UK	United Kingdom
UN	United Nations
UNSW	The University of New South Wales

Chapter One – Introduction

BACKGROUND

- 1.1 Non-registered motorised vehicles are used by a wide range of people for different purposes. Mobility scooters allow people with a disability to remain active in their local community, electric bicycles increase the range and speed of cycling and, at the other end of the spectrum, quad bikes are used for recreational activities.
- 1.2 Such alternative forms of transport enable people to get around their neighbourhoods and provide enjoyment and exercise. However the increasing use of non-registered vehicles has an impact on other vulnerable road users, as well as the vehicle users themselves.
- 1.3 In view of the increasing take up of these modes of transport, the Committee decided that it would be timely to review and report on the use of non-registered motorised vehicles, such as mobility scooters, Segways and electric bicycles, on public roads and footpaths and examine their impact on road safety.
- 1.4 For the purposes of this inquiry, non-registered motorised vehicles are vehicles which are mechanically powered and are currently not required to be registered on NSW roads.

CONDUCT OF INQUIRY

- 1.5 On 14 November 2012, the Committee resolved to inquire into the increasing use of non-registered motorised vehicles on public roads, footpaths and public land and their impact on road safety. The inquiry focussed on the current status of these vehicles under road rules; road safety problems related to their use; data collection on injury and death rates; and vehicle standards including design, engine capacity, mass and speed controls. The Committee has also examined available road safety education and the need for skills and competency training for vehicle users, as well as the insurance implications of injuries and deaths related to their use.
- 1.6 The Committee called for submissions, advertising the inquiry on the Parliament's website, in the local press and by writing to relevant organisations, stakeholders and road safety practitioners. The closing date for submissions to be lodged was 30 April 2013.
- 1.7 In total, the Committee received 75 submissions from private citizens, local councils, non-government organisations, companies and government agencies. A full list of the submissions received can be found at Appendix One and copies of the submissions are available on the Committee's website.
- 1.8 As part of the inquiry, the Committee also held two full day public hearings in Sydney, on 24 and 28 June 2013, and a site visit and third public hearing in and around Port Macquarie, on 5 August 2013. The public hearings gave the Committee an opportunity to further explore the issues raised in submissions and

INTRODUCTION

to examine a range of stakeholder views on non-registered motorised vehicle usage and associated concerns. The site visit enabled the Committee to meet specifically with users and a local business that sells mobility scooters.

- 1.9 A full list of witnesses who appeared before the Committee can be found at Appendix Two. Transcripts of the evidence provided are available on the Committee's website. Details of the Committee's site visit are provided in the extracts of minutes at Appendix Three.

Chapter Two – Vehicle Classification and Regulation

- 2.1 In recent years, there has been an increasing uptake in the use of non-registered motorised vehicles in NSW. Commonly used as a mobility aid for the disabled and elderly population and as an alternative form of transport or for recreational purposes, the capabilities and range of vehicles available has continued to grow.
- 2.2 Under the NSW Road Rules, any device with a motor must be registered for use on a road or a road related area unless specifically exempt. Exemptions apply to power-assisted pedal cycles which meet specific criteria, motorised wheelchairs including mobility scooters travelling at or below 10km/h and other powered vehicles not using roads or public spaces.
- 2.3 Increasing road congestion and the attractiveness of alternative means of motorised transport makes it timely to consider how these vehicles are being used and regulated. Additionally, it is important to gauge how any conflicts can be addressed to provide a better operating environment and ensure the safety of users and the wider public.
- 2.4 In this chapter, the Committee examines the range and usage of common non-registered motorised vehicles, their regulatory treatment and operation under the Road Rules, the role of local government and approaches across other jurisdictions.

RANGE OF CATEGORIES AND USAGE OF VEHICLES

- 2.5 The Committee initially elected to focus on four of the more predominant non-registrable vehicle types, namely:
- Mobility scooters
 - Electric bicycles
 - Segways
 - Quad bikes.
- 2.6 The Committee also received evidence about variants of each of the vehicle types identified above. These include personal mobility devices (i.e. motorised foot scooters and skateboards), trail bikes and pedalecs. A number of these have been considered further and are discussed throughout the report.

Mobility scooters

- 2.7 Based on the evidence received, mobility scooters became a major focus of the inquiry, with most submissions addressing their operation.
- 2.8 In NSW, mobility scooters are reserved for use by people with a disability which substantially impairs their travel options. Mobility scooters must not be capable

of travelling at more than 10km/h. Users are not required to hold a licence, are considered 'pedestrians' with regard to the Road Rules and so must operate their vehicle accordingly.¹

- 2.9 Mr Christopher Sparks, Executive Officer of Assistive Technology Suppliers Australasia (ATSA), explained to the Committee that the terms 'mobility scooter' and 'power wheelchair' [the term 'motorised wheelchair' is also commonly used] are often used interchangeably, though a clear distinction can be made between the two contrasting variants.²
- 2.10 'Mobility scooters' are generally used for shorter trips, from home to necessary or recreational activities. There is a wide range of these available, from lightweight variants (pictured below) to more powerful and substantial vehicles that can exceed the 10km/h limit. Mobility scooters can also be retrofitted with medical devices if required.³
- 2.11 'Power wheelchairs' (also pictured below) will typically be heavier and more complex as they are tailored to an individual's specific medical requirements. More often this is to cater for individuals who are unable to walk or have a need for additional devices such as: continuous ventilation units; external feeding devices; environmental controls; communications devices or more than one battery.⁴

Figure 1 – a mobility scooter (L) and a motorised wheelchair (R)⁵



- 2.12 Mr Sparks commented that these vehicles broadly cater to two different needs; namely aged care and disability.⁶
- 2.13 Alternatively, the Australian Competition and Consumer Commission's (ACCC) 2012 survey of mobility scooter usage highlighted two separate user groups:

¹ Roads & Maritime Services, <<http://www.rms.nsw.gov.au/registration/unregisteredvehicles/scootersminibikes.html>>, viewed 23 January 2014

² Mr Christopher Sparks, Executive Officer, Assistive Technology Suppliers Australasia, Transcript of evidence, 24 June 2013, p47

³ Submission 45, Institute of Public Works Engineering Australia (NSW Division) pp3-4 and Mrs Linda Elliott, Deputy Chair, Occupational Therapy Australia – NSW, Transcript of evidence, 24 June 2013, p57

⁴ Submission 45, Institute of Public Works Engineering Australia (NSW Division) pp3-4 and Mrs Linda Elliott, Deputy Chair, Occupational Therapy Australia – NSW, Transcript of evidence, 24 June 2013, p57

⁵ Submission 66, NSW Government, p6

⁶ Mr Christopher Sparks, Executive Officer, Assistive Technology Suppliers Australasia, Transcript of evidence, 24 June 2013, p47

- Those who use their scooter as a secondary means of transportation; as an adjunct to walking.
 - Those whose scooter is a primary means of transportation; a 'lifeline' for maintaining their independence.⁷
- 2.14 The survey found that 51% of mobility scooter users are less than 60 years of age, despite the community assumption that users tend to be elderly.⁸ However, in the absence of any more comprehensive data, little is definitively known about the users of mobility scooters beyond anecdotal evidence. The adequacy of data collection is further considered in chapter 3.
- 2.15 The Committee learnt that many mobility scooter users will elect to purchase a device when they become less physically able and/or with advancing years and accompanying limitations. Often this is in consultation with family members, but this raises safety concerns in that, once purchased, there is no requirement for training or familiarisation before use.
- 2.16 Occupational Therapy Australia – NSW submitted that, as a specialist and often specifically tailored device, a motorised wheelchair is often required to be prescribed and fitted by medical practitioners. Occupational therapists may also prescribe motorised scooters as a cost-effective alternative to a motorised wheelchair, for people with restricted mobility as a result of a disability or chronic illness, particularly those who:
- are able to walk short distances (usually inside)
 - are safe getting on and off a scooter
 - are within walking distance of local shops and services.⁹
- 2.17 An occupational therapist generally provides an assessment when this is requested by a residential aged care/retirement facility or the result of funding requests from the Australian Government Department of Veterans' Affairs, EnableNSW or an aged care facility. There is no requirement for medical assessment for those who purchase a motorised wheelchair or scooter privately.¹⁰
- 2.18 The number of mobility devices used in NSW is difficult to determine, owing to a significant second-hand market of private resellers, where data is not collected

⁷ Australian Competition and Consumer Commission, *Mobility scooter usage and safety survey report*, September 2012, pp7-8, viewed 31 January 2014, <<http://www.productsafety.gov.au/content/item.phtml?itemId=996221&nodeId=275b9d64bad1829eea219e664ad8ab2b&fn=Mobility%20scooter%20usage%20and%20safety%20survey%20report.pdf>>

⁸ Australian Competition and Consumer Commission, *Mobility scooter usage and safety survey report*, September 2012, pp7-8, viewed 31 January 2014, <<http://www.productsafety.gov.au/content/item.phtml?itemId=996221&nodeId=275b9d64bad1829eea219e664ad8ab2b&fn=Mobility%20scooter%20usage%20and%20safety%20survey%20report.pdf>>

⁹ Submission 26, Occupational Therapy Australia – NSW, p1

¹⁰ Submission 26, Occupational Therapy Australia – NSW, p1

through registration.¹¹ Users are also able to purchase these vehicles online, through websites like eBay. The Committee received evidence that market data provided by major mobility scooter importers shows 110,000-150,000 devices are used in Australia. This means that in NSW, there would be between 35,000 to 48,000 scooter users.¹²

- 2.19 On the whole, little is known about these devices as there is no means to accurately record ownership and trends in usage in the same way provided for in motor vehicle registration and licensing. This is discussed further in chapter 3.

Electric bicycles

- 2.20 An electric bicycle, or 'power-assisted pedal cycle', is a bicycle that is designed to be propelled solely by human power and has one or more auxiliary propulsion motors attached to assist the rider. The motor will only propel the bicycle if the rider is actively pedalling, as it is only intended to assist the rider.¹³

- 2.21 There are two types of electric bicycles:

- Those with a maximum power output of 200 watts.
- A 'Pedalec', with a maximum power output of 250 watts.

Maximum power output 200 watts

- 2.22 For power assisted pedal cycles other than pedalecs, the auxiliary motors must not be capable of exceeding 200 watts.

Figure 2 - Power-assisted pedal cycle - 200 watts¹⁴



Pedalec – maximum power output 250 watts

- 2.23 A Pedalec is a vehicle that meets European standards for electrically power assisted cycles. Pedalecs are common in Europe and have only recently been permitted for use in Australia. They differ from other electric bicycles in that their

¹¹ Mr Christopher Sparks, Executive Officer, Assistive Technology Suppliers Australasia, Transcript of evidence, 24 June 2013, p47

¹² Submission 37, Assistive Technology Suppliers Australasia, p6

¹³ Roads & Maritime Services, *Vehicle Standards Information No. 27: Mopeds and power-assisted pedal cycles*, viewed 16 January 2014, p2, <<http://www.rms.nsw.gov.au/registration/downloads/vsi/vsi27.pdf>>

¹⁴ Roads & Maritime Services, *Vehicle Standards Information No. 27: Mopeds and power-assisted pedal cycles*, viewed 16 January 2014, p2, <<http://www.rms.nsw.gov.au/registration/downloads/vsi/vsi27.pdf>>

motor is slightly more powerful, can only operate when the rider pedals and must cut-out when the bike reaches 25km/h.¹⁵

Figure 3 - Pedalec - maximum power output 250 watts¹⁶

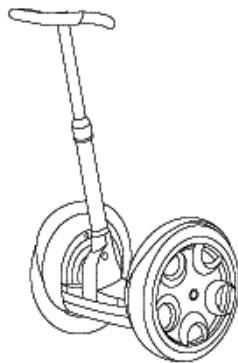


- 2.24 The Committee did not receive a great deal of evidence with regard to electric bicycles. Broadly, local government is supportive of their use, pointing to the recreational and fitness benefits to users.¹⁷ As a bicycle variant, Pedalecs are used in much the same way as conventional bicycles.

Segways

- 2.25 Segways are two-wheeled electric vehicles that are self-balancing, kept upright by computers and motors in their base. The user stands on a platform at its base and controls the vehicle by shifting their bodyweight and pressing against the handlebars. A Segway weighs up to 54.4kg, is capable of speeds up to 20km/h and has a maximum range of 39km.¹⁸

Figure 4 - a Segway¹⁹



- 2.26 Segways cannot be used in public places in NSW. At present, off-road variants may be imported and used on private land, enclosed areas such as shopping malls, golf courses and areas not covered by road transport legislation. A number

¹⁵ Roads & Maritime Services, *Vehicle Standards Information No. 27: Mopeds and power-assisted pedal cycles*, viewed 16 January 2014, p2, <<http://www.rms.nsw.gov.au/registration/downloads/vsi/vsi27.pdf>>

¹⁶ Roads & Maritime Services, *Vehicle Standards Information No. 27: Mopeds and power-assisted pedal cycles*, viewed 16 January 2014, p2 <<http://www.rms.nsw.gov.au/registration/downloads/vsi/vsi27.pdf>>

¹⁷ Submission 70, City of Sydney, p3 and Submission 59, Manly Council, p1

¹⁸ Submission 66, NSW Government, p14

¹⁹ Roads & Maritime Services, *Motorised scooters, mini bikes, motorised devices*, viewed 17 January 2014, <<http://www.rms.nsw.gov.au/registration/unregisteredvehicles/scootersminibikes.html>>

of Segway tours are run across the state, for instance at a dedicated area at Sydney Olympic Park.²⁰

- 2.27 Again the Committee did not receive a great deal of input regarding their usage. The Committee examines their use in other jurisdictions and the reasoning behind their current exclusion for usage in public places later in this chapter and in chapters 3 and 4.

Quad bikes and trail bikes

- 2.28 Quad bikes, also referred to as 'all terrain vehicles', are four-wheel motorcycles that are commonly used as an item of plant for industrial use in a rural setting. They are also widely used by local councils and other public authorities for beach and park management, and for recreation and off-road tours.²¹ University of New South Wales' Transport and Road Safety (TARS) Research Unit estimates that there are around 220,000 quad bikes in Australia, of which 80% are used in rural industries.²²

- 2.29 The following distinction is made in this chapter between two user groups:

- Industrial/work-related.
- Recreation, referred to as 'recreational vehicles'.

- 2.30 Trail bikes are often used in a similar way to recreational quad bikes.

Industrial or work-related quad bike

Figure 5 - a Quad bike, or 'all terrain vehicle', used for industrial/work-related purposes²³



²⁰ Submission 66, NSW Government, p14

²¹ Submission 66, NSW Government, p14 and Submission 45, Institute of Public Works Engineering Australia (NSW Division), p4

²² Submission 60, Transport and Road Safety Research, University of New South Wales, p3

²³ Submission 66, NSW Government, p16

Recreational vehicles – quad bikes and trail bikes

Figure 6 - Recreational vehicles: a trail bike (L) and a quad bike (R)²⁴



- 2.31 TARS reaffirmed a widely held concern regarding quad bike-related deaths, with 3-4 fatalities occurring per year in NSW. These incidents occur mostly on private property or on off road trails.²⁵ This issue is covered extensively in chapters 3 and 4.
- 2.32 Recreational vehicles, both quad bikes and trail bikes, may be operated on private land without registration or in public places (such as national parks trails) or designated areas (i.e. Stockton Beach) with provisional registration. Details of their regulated use are covered later in this chapter.²⁶

REGULATORY TREATMENT AND OPERATION OF ROAD RULES

Mobility scooters

- 2.33 The Committee received considerable evidence highlighting the disparity between the regulated use of mobility scooters and their actual/intended usage and requirements. In particular, mass and speed characteristics, operability as a pedestrian, 'fit for purpose' and product regulation (at point of sale and standards compliance), are key issues.
- 2.34 Under the Road Transport (Vehicle Registration) Regulation 2007, mobility scooters and other types of disabled persons' conveyances are exempt from registration if they are not capable of travelling at more than 10km/h and are used solely for the conveyance of a person with a disability that substantially impairs the person's mobility. The Road Transport (Driver Licensing) Regulation 2008 also stipulates that scooter users are not required to hold a licence.²⁷
- 2.35 Under the Australian Road Rules and the NSW Road Rules, a mobility scooter that cannot exceed 10km/h is considered to be a pedestrian.²⁸ Mobility scooter users are therefore subject to the same road rules as pedestrians. If they are capable of

²⁴ Roads & Maritime Services, *Conditional Registration Guide (vehicle sheet) – Recreational vehicle (Stockton Beach Recreation Vehicle Area only)*, pp1-2, viewed 23 January 2014, <http://www.rms.nsw.gov.au/registration/downloads/vehiclesheet/recreation_vehicle.pdf>

²⁵ Submission 60, Transport and Road Safety Research, University of New South Wales, p3

²⁶ Submission 60, Transport and Road Safety Research, University of New South Wales, p3

²⁷ Submission 66, NSW Government, p7

²⁸ Submission 37, Assistive Technology Suppliers Australasia, p3

speeds in excess of 10km/h, they are deemed a vehicle, which presents a number of challenges.

2.36 The NSW Government clarifies that vehicles capable of exceeding 10km/h have a prescribed mass limit of 110kg. However, it is acknowledged that such vehicles cannot be used legally on public roads and paths as users are not classed as pedestrians.²⁹ No appropriate licence class exists in this instance.³⁰ Furthermore, no mass limit applies to vehicles that are unable to travel over 10km/h.

2.37 ATSA submitted that a review and clarification of regulations is necessary, in order to bring them into line with the needs of people with a disability and the range of devices now available.³¹ In surveying its membership, ATSA made the following observations:

- Major international manufacturers reported that more than 70% of their electric wheelchairs weighed in excess of 150kgs once fitted with appropriate sealed gel batteries.
- Of these, 5% to 8% would exceed 200kgs.
- A local manufacturer reported that over 85% of their electric wheelchairs sold weigh more than 110kgs and that 'many of the chairs we produce would weigh more than 150kgs'.
- The weights reported did not include customised seating (cushions, backrests, headrests, postural supports etc.) or additional items such as ventilators or other aftermarket accessories.³²

2.38 This evidence suggests that 110kgs, or even 150kgs, is not always a viable or achievable weight. It further indicates that devices are sold that are not able to be used for their intended purpose (i.e. to operate as a pedestrian and in accordance with existing regulations). In practice, many mobility aids are capable of travelling well in excess of 10km/h and weigh over 110kgs. Technically they are no longer considered a pedestrian, though are expected to operate in the same capacity.

2.39 The Committee also received evidence about the sale of mobility scooters. It is notable that there is a significant second hand market for these devices and many are also sourced through sites like eBay and from overseas. Mobility scooter and power wheelchair suppliers are not required to be accredited.³³

2.40 Scooters Australia submitted that mobility scooters are GST free because they are regarded as a medical device.³⁴ This makes them subject to Therapeutic Goods Administration (TGA) requirements. In practice, these requirements are not

²⁹ Transport for NSW, Answers to supplementary questions, 14 August 2013, p4

³⁰ Submission 66, NSW Government, p7

³¹ Submission 37, Assistive Technology Suppliers Australasia, p3

³² Submission 37, Assistive Technology Suppliers Australasia, p8

³³ Submission 22, Scooters Australia, p2

³⁴ Submission 22, Scooters Australia, p2

policed or enforced by the TGA, allowing non-compliant products to be imported and sold, particularly over the internet. Scooters Australia held that:

Enforcing this provision would be a simple matter of requiring all customs documents to contain the relevant TGA compliant code for that model to permit the importation.³⁵

- 2.41 Transport for NSW informed the Committee that the Australian Road Rules Maintenance Group agreed to a 150kg mass limit on all motorised wheelchairs in June 2012. However, this and other amendments have been put on hold, pending the outcomes of an Austroads Registration and Licensing Taskforce review of a range of motorised mobility devices.³⁶ It is expected that the Austroads Board will make recommendations to Transport Ministers through the Standing Council on Transport and Infrastructure later in 2014. Vehicle design is discussed in detail in later chapters.

Segways

- 2.42 Segways are classified as motor vehicles and so must conform to the Commonwealth *Motor Vehicles Standards Act 1989*. This requires compliance with specified safety and performance standards. Additionally, in NSW Segways are registrable under the *Road Transport (Vehicle Registration) Act 1997*, and therefore must be registered before they can be used on roads or related areas. Segways must also comply with the safety and performance standards specified in the Road Transport (Vehicle Registration) Regulation 2007, which are the same as those under the Commonwealth Act.³⁷
- 2.43 As Segways currently do not meet these standards and are not exempt from these requirements, they cannot be registered in NSW. Segways do not meet Australian Design Rules (ADR) standards and therefore cannot be insured.³⁸ For these reasons it is illegal to use Segways in public places unless a person or organisation has received an individual exemption from Roads and Maritime Services. They are effectively prohibited from importation into Australia for supply to the market or for use in road transport. Off-road Segways may be imported provided they are not used on the road network.³⁹
- 2.44 As mentioned previously, there are a number of Segway tours in operation around NSW. These tours use off-road Segways, which are permitted to be imported and are used exclusively on roads, paths and areas not covered by road transport legislation. Segways can therefore be used on private land and enclosed areas such as shopping malls and golf courses.⁴⁰

³⁵ Submission 22, Scooters Australia, p2

³⁶ Transport for NSW, Answers to supplementary questions, 14 August 2013, p4

³⁷ Submission 66, NSW Government, p14

³⁸ ACT Government, *Segway Review: A Review of Segway Use and Commercialisation in the Australian Capital Territory*, p9, viewed 22 January 2014, <<http://www.rego.act.gov.au/assets/PDFs/Segway%20Discussion%20Paper.pdf>>

³⁹ Submission 66, NSW Government, p14

⁴⁰ Submission 66, NSW Government, p14

- 2.45 The Committee discusses the use of Segways in other jurisdictions later in this chapter.

Quad bikes

- 2.46 Quad bikes are classified as motor vehicles, even though they do not comply with the Commonwealth *Motor Vehicles Standards Act 1989*. They are able to be imported and sold in Australia, as their primary purpose is as an item of plant used for industrial purposes and not as a motor vehicle.⁴¹
- 2.47 Quad bikes are 'registrable motor vehicles' under *the Road Transport (Vehicle Registration) Act 1997* (NSW) and must be registered and comply with safety and performance standards. As quad bikes do not meet these standards and are not exempt from these requirements they can be conditionally registered for certain activities, when their use meets each of the following conditions:
- used mostly off-road or in off-road related areas, but need limited access to the road network
 - limited mixing with general traffic on sealed roads
 - will be floated from site to site, unless a designated route or area of operation has been approved by a Roads & Maritime Services Registry Manager.⁴²
- 2.48 Conditional registration is obtainable when the vehicles will be used by either:
- Primary producers for farming purposes.
 - Surf life saving clubs on their specific beach.
 - Rural Lands Protection Boards for Board work.
 - NSW National Parks and Wildlife Service (NPWS), their approved lessees or contractors. If operating in national parks, use is restricted to specific areas approved by NPWS.
 - Forests NSW, their approved lessees or contractors for forest management operations.
 - Game Council NSW, in State Forests for operational purposes under the Game and *Feral Animal Control Act 2002* or *Forestry Act 1916*. Use is restricted to specific areas approved by Forests NSW.
 - Essential Energy for the delivery of electricity services within their network area when a complying vehicle cannot be used.⁴³

⁴¹ Submission 66, NSW Government, p16

⁴² Roads & Maritime Services, *Conditional Registration Guide (vehicle sheet) – Recreational vehicle (All terrain vehicle/quad bike)*, pp1-2, viewed 24 February 2014, <http://www.rms.nsw.gov.au/registration/downloads/vehiclesheet/atv_quad_bike.pdf>

⁴³ Roads & Maritime Services, *Conditional Registration Guide (vehicle sheet) – Recreational vehicle (All terrain vehicle/quad bike)*, pp1-2, viewed 24 February 2014, <http://www.rms.nsw.gov.au/registration/downloads/vehiclesheet/atv_quad_bike.pdf>

- 2.49 Local councils and their weed control contractors may also conditionally register quad bikes for weed spraying operations, subject to certain conditions.⁴⁴
- 2.50 Transport for NSW has received requests to permit quad bikes to be conditionally registered and used in NSW State Forests, National Parks and on public beaches. However, these requests have been denied due to safety concerns.⁴⁵

Trail bikes

- 2.51 Off-road motorcycles are registrable motor vehicles under the *Road Transport (Vehicle Registration) Act 1997* (NSW) and must comply with safety and performance standards. While a range of off-road motorcycles do meet safety and performance standards and can be registered and used on public roads and paths, many 'trail bike' variants are typically non-compliant (due to their exhaust system, a lack of lights or indicators etc.) and so cannot be registered and used in public places. Users are free to use non-complying trail bikes, with permission, on private land or in other places where the Road Rules do not apply.
- 2.52 Non-complying trail bikes (and quad bikes) may be conditionally registered only if they are used in non-built up areas and for farming purposes, or in the Recreational Vehicles Area (RVA) at Stockton Beach under the *Recreational Vehicles Act 1983*.⁴⁶ The Environment Protection Authority has powers under the Act to designate new land and people can apply to have land so designated. This is the only such area in the state. The NSW Government reports that there are approximately 500 conditionally registered recreation vehicles in NSW.⁴⁷
- 2.53 The Office of Environment and Heritage submitted that the RVA is used heavily by various recreational vehicles and that enforcement of the Recreational Vehicles Act is problematic. Regulation of quad bike users has been especially difficult, and large numbers of unregistered quad bikes and trail bikes are still used in the area. Managing usage of the RVA dominates regulatory activity by the NPWS in the area. Illegal and inappropriate activity persists at a very high level in spite of signage, detailed permits, ranger patrols and manned entry stations.⁴⁸
- 2.54 Registered trail bikes can be used in national parks and parts of the trail network that are open to other public vehicles. NPWS reports that the use of unregistered trail bikes is a growing issue in the park reserve system.⁴⁹
- 2.55 The Committee heard that a form of restricted registration for off-road recreational motorcycle and quad bike use, similar to the Victorian Recreational

⁴⁴ Submission 66, NSW Government, p16 and Roads & Maritime Services, *Conditional Registration Guide (vehicle sheet) – Recreational vehicle (All terrain vehicle/quad bike)*, pp1-2, viewed 24 February 2014, <http://www.rms.nsw.gov.au/registration/downloads/vehiclesheet/atv_quad_bike.pdf>

⁴⁵ Transport for NSW, Answers to supplementary questions, 14 August 2013, p12

⁴⁶ Roads & Maritime Services, *Conditional Registration Guide (vehicle sheet) – Agricultural motorcycle*, p1, viewed 24 February 2014, <http://www.rms.nsw.gov.au/registration/downloads/vehiclesheet/agricultural_motorcycle.pdf> and Transport for NSW, Answers to supplementary questions, 14 August 2013, p12

⁴⁷ Transport for NSW, Answers to supplementary questions, 14 August 2013, p14

⁴⁸ Submission 63, Office of Environment and Heritage, p4

⁴⁹ Mr Thomas Bagnat, Acting Director, Coastal Branch, National Parks and Wildlife Service, Transcript of evidence, 28 June 2013, pp13-14

Registration scheme, could alleviate these issues.⁵⁰ The registration of non-registered motorised vehicles is examined in detail in chapter 4.

Power-assisted pedal cycles

- 2.56 Power-assisted pedal cycles are subject to the same rules as conventional bicycles under the NSW Road Rules. They do not require registration or licensing and users must obey the Road Rules and wear an approved helmet. A bicycle that is fitted with a motor that does not meet the criteria listed earlier in the chapter is considered a moped and therefore registrable.⁵¹
- 2.57 The NSW Government informed the Committee that the incorporation of pedalecs under the national vehicle standards definition of a bicycle was reflected by the Government's amendment to the NSW Road Rules 2008 in December 2012. Previously they had been considered mopeds, with the unique characteristics of pedalecs not taken into account. This gave effect to exempting them for registration requirements and allowing pedalecs to be used more widely across the state.⁵²
- 2.58 The NSW Police Force noted that it is difficult to determine a power assisted bicycle's engine capacity and that it is possible to retrofit powerful engines to a standard bicycle. The NSW Government noted that under the Road Transport (Vehicle Registration) Regulation 2007, the onus is on the vehicle owner to ensure the vehicle complies with the specified standards.⁵³
- 2.59 Proposals to improve enforcement of rules relating to electric bicycles are examined in chapter 4.

ROLE OF LOCAL GOVERNMENT

- 2.60 Local government initiatives and activities play a key role in the use of non-registered motorised vehicles, primarily focussed on access, road safety education and public awareness.
- 2.61 Within the context of this inquiry, the role of local government extends primarily to mobility scooters and, to a lesser extent, power-assisted bicycle usage. With few exceptions, quad bikes, trail bikes and Segways are largely outside the local government sphere of influence and therefore not addressed in this section.
- 2.62 Under the *Local Government Act 1993*, councils have responsibility for, and provide services to aid or improve infrastructure, road safety and accessibility in public places. In particular, Local Government NSW identifies the following areas in which member councils provide for the users of mobility scooters, as well as power-assisted bicycles:
- Management and funding of local road networks, including road safety awareness and maintenance.

⁵⁰ Submission 75, Federal Chamber of Automotive Industries, pp1-2

⁵¹ Roads & Maritime Services, *Vehicle Standards Information No. 27: Mopeds and power-assisted pedal cycles*, pp1-3, viewed 16 January 2014, <<http://www.rms.nsw.gov.au/registration/downloads/vsi/vsi27.pdf>>

⁵² Submission 66, NSW Government, pp11-12

⁵³ Submission 66, NSW Government, p12

- Improved access and social inclusion for the elderly and people with a disability through social and community planning, local support services and recreation and other facilities.
- Providing for a 'liveable community', with accessible public spaces and amenities, and more usable pathways, crossings and ramps.⁵⁴

Access and safety

- 2.63 Many local councils are actively addressing issues and concerns relating to mobility scooters through access and safety committees. For example, the usability and coverage of footpath networks for mobility scooters has been a recurring concern raised throughout the inquiry.
- 2.64 On its visit to Port Macquarie, the Committee met with members of the Port Macquarie-Hastings Council Access Committee and learnt about concerns regarding the condition, coverage and connectivity of the footpath network and what was being done to address this. The Committee outlines evidence received on local infrastructure and planning in chapter 3.

Education and public awareness

- 2.65 A number of local government initiatives exist to educate and assist users of mobility scooters and electric bicycles. On its visit to Port Macquarie, the Committee was told about the Council's Yellow Brick Road initiative. This provides users with easily navigable routes and details of facilities and services in the Port Macquarie CBD. At present, this runs from Town Beach to Town Green and will be expanded into the future as conditions allow.⁵⁵
- 2.66 Other council initiatives have focussed on road safety education and data collection to assist with planning. Evidence on these initiatives is discussed in detail in chapter 6.

APPROACHES ACROSS OTHER JURISDICTIONS

- 2.67 Contrasts and comparisons can be drawn between existing NSW policy and practices and approaches taken by other jurisdictions concerning non-registered motorised vehicle usage and its regulation.
- 2.68 It should be noted that at the time of writing, Austroads is conducting a review of motorised mobility devices. An intergovernmental working group has been considering a number of aspects that relate directly to this inquiry, with a view to harmonising separate state and territory policies.

⁵⁴ Local Government NSW, *Policy*, <<http://www.lgnsw.org.au/policy>>, viewed 12 February 2014

⁵⁵ Mr Nicholas Gainsford, Road Safety Officer, Port Macquarie-Hastings Council, Transcript of evidence, 5 August 2013, p15. See also Greater Port Macquarie, *Town Centre Access Map – Port Macquarie, Wauchope and Laurieton*, <http://www.portmacquarieinfo.com.au/media/ebrochures/32/PMHC_ACCESS1-web-17032651.pdf>, viewed 4 February 2014

Mobility scooters

- 2.69 In its examination of mobility scooter classification and regulation in different jurisdictions, the Committee focussed primarily on the situation applying in Queensland and the United Kingdom.

Queensland

- 2.70 Mobility scooters must be registered for use on footpaths and other road related areas in Queensland. To be registered, a motorised wheelchair must:
- have an electric motor
 - be designed and built for use by a seated person with mobility difficulties
 - have a tare weight of 150kg or less
 - not be capable of travelling at more than 10km/h on level ground.
- 2.71 The vehicle's operator must:
- Provide a certificate, statement or letter from a medical practitioner, registered occupational therapist or registered physiotherapist confirming that, due to a physical or medical condition, their mobility is severely impaired and they require the use of the wheelchair for assisted travel.
 - Complete the required forms: Registration Application Form, Vehicle Details and a Motorised Wheelchair Statement.
 - Agree to abide by the Queensland Road Rules when using the registered motorised wheelchair.⁵⁶
- 2.72 The Queensland Government does not charge fees for registration or compulsory third party (CTP) insurance for mobility scooters. The vehicle is provided with a registration plate (the same size as those used on motorcycles). Free CTP insurance coverage is provided by the Nominal Defendant for registered mobility scooters. There is no licence requirement for users.⁵⁷
- 2.73 Registration allows the Queensland Government to collect data on users, provide a means of accountability and ensure user capacity requirements are met. The requirements for a medical certificate also offer some assurance of a user's ability to operate a vehicle. The provision of insurance for mobility scooters is discussed in chapter 5.

⁵⁶ Queensland Government Department of Transport and Main Roads, *Information about motorised wheelchair use*, <<http://www.tmr.qld.gov.au/Registration/Registering-vehicles/Wheelchairs-and-small-devices/Motorised-wheelchairs.aspx>>, viewed 28 January 2014; Queensland Government Department of Transport and Main Roads, *Wheelchairs and Mobility Scooters: A guide for safe travel in Queensland*, p8, viewed 28 January 2014, <<http://www.tmr.qld.gov.au/~media/Travelandtransport/Disability%20access%20and%20mobility/Travelling%20with%20a%20wheelchair%20or%20mobility%20scooter/GuideforSafeTravelinQueensland.doc>>; and Submission 22, Scooters Australia Pty Ltd, p3

⁵⁷ Queensland Government Department of Transport and Main Roads, *Information about motorised wheelchair use*, <<http://www.tmr.qld.gov.au/Registration/Registering-vehicles/Wheelchairs-and-small-devices/Motorised-wheelchairs.aspx>>, viewed 28 January 2014

- 2.74 The possible introduction of registration for mobility scooters in NSW has been discussed throughout the inquiry. Evidence indicated that there would be benefits to introducing registration but that the administrative costs should not constitute an undue burden on users. This issue is discussed in detail in chapter 4.

United Kingdom

- 2.75 While there is no requirement for a user to be licensed in the United Kingdom, the vehicle may require registration. Mobility scooters are divided into two categories for this purpose:
- Class 2 invalid carriages cannot be used on the road (except where there is no pavement) and have a maximum speed of 4mph. Class 2 carriages do not need to be registered.
 - Class 3 invalid carriages can be used on the road with a maximum speed of 8mph and 4mph off the road. Class 3 invalid carriages require registration with a 'nil value' tax disc required to be displayed.⁵⁸
- 2.76 Class 3 invalid carriages must have the following features to meet registration requirements:
- A maximum unladen weight of 150kgs.
 - A maximum width of 0.85m.
 - A device to limit its speed to 4mph.
 - A maximum speed of 8mph.
 - An efficient braking system.
 - Front and rear lights and reflectors.
 - Direction indicators able to operate as a hazard warning signal.
 - An audible horn.
 - A rear view mirror.
 - An amber flashing light if it is used on a dual carriageway.⁵⁹
- 2.77 The UK Government does not require users to undergo initial or regular medical tests. Rather, a suggested eye sight measurement is recommended as best practice. The UK Government also makes it clear that a mobility scooter cannot be used by non-disabled people. Although insurance is not a legal requirement, the UK Department of Transport recommends that users obtain insurance to cover their personal safety, other people's safety and the value of their vehicle.

⁵⁸ Government of the United Kingdom, *Mobility scooters and powered wheelchairs: the rules*, <<https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules>>, viewed 28 January 2014

⁵⁹ Government of the United Kingdom, *Mobility scooters and powered wheelchairs: the rules*, <<https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules>>, viewed 28 January 2014

The Department advises users to check whether their existing insurance covers the use of their vehicle on public highways, and storage or parking home.⁶⁰

2.78 Evidence on models operating in other jurisdictions is considered in chapter 4.

Segways

2.79 As outlined previously, Segways are registrable vehicles but not ADR compliant. Queensland, Tasmania and the Australian Capital Territory have provisions to permit their use.

Queensland

2.80 The Queensland Government introduced legislation in 2013 that allows the use of Segways in public places. Segways are now able to be used on footpaths, bike paths and on a road at a normal crossing point. A number of additional requirements must also be met for safer use, including a need to:

- Adhere to a speed limit of 12km/h.
- Have fitted lights and reflectors when riding at night or in poor weather.
- Have a bell or similar warning device.
- Not use a mobile phone while operating the vehicle.
- Wear a helmet.⁶¹

2.81 Ms Margaret Prendergast, General Manager of the Centre for Road Safety, told the Committee that the Centre is aware of legislation allowing for public use of Segways in Queensland and would closely monitor the Queensland experience before considering it in the NSW context.⁶²

Tasmania

2.82 Tasmania has amended its vehicle registration legislation to exempt Segway users from the requirement to hold an appropriate licence.⁶³ The Tasmanian Government has introduced Short Term Unregistered Vehicle Permits to allow commercial operators to use Segways on tours, subject to a number of conditions placed on Segway users and tour operators. Users must:

- Wear a helmet.

⁶⁰ Government of the United Kingdom, *Mobility scooters and powered wheelchairs: the rules*, <<https://www.gov.uk/mobility-scooters-and-powered-wheelchairs-rules>>, viewed 28 January 2014; and Government of the United Kingdom Department for Transport, *Mobility scooters and powered wheelchairs on the road – some guidance for users*, p5, viewed 28 January 2014, <<http://assets.dft.gov.uk/publications/mobility-scooters-road-guidance/mobility-guidance.pdf>>

⁶¹ Queensland Government, Media Statement: *Safety steps allow green light for Segways*, 16 July 2013, <<http://statements.qld.gov.au/Statement/2013/7/16/safety-steps-allow-green-light-for-segways>>, viewed 29 January 2014

⁶² Ms Margaret Prendergast, General Manager, Centre for Road Safety, Transport for NSW, Transcript of evidence, 28 June 2013, p33

⁶³ Submission 66, NSW Government, p15

- Travel under 12km/h.
- Be at least 12 years old.
- Weigh between 45 and 117kg.
- Have blood alcohol content of zero.
- Be of a height so their elbows are at least as high as the Segway's handle bar when standing on the platform.⁶⁴

Australian Capital Territory

- 2.83 The ACT Government has also made provision for the use of Segways in public places. In May 2012 the Government released a report that considered safety aspects of Segway use and possible introduction to roads and road-related areas. In considering existing road safety research and data, the report concluded that there were significant risks in allowing Segways to be used on roads and road-related areas. However, commercial use in designated areas, subject to conditions that addressed known safety risks, was recommended:

The benefits in regard to tourism, local economic growth, social interaction and increased transportation options remain largely unknown and under researched. It is reasonable to consider their use in the ACT, despite the prohibition of Segways on roads and road related areas in other Australian jurisdictions.⁶⁵

- 2.84 The ACT Government subsequently introduced the Road Transport (General) (Segway Exemption) Determination 2011, which permitted a trial period of operation.
- 2.85 In June 2012, the Government issued a three year licence to a tour company under a determination to operate tours along the Lake Burley Griffin Foreshore.⁶⁶ This trial is similar to the Tasmanian Government's approach of allowing limited operation by tour providers.

Quad bikes and trail bikes

- 2.86 In relation to the use of off road trail bikes, detailed earlier in this chapter, the Federated Chamber of Automotive Industries has called for a form of restricted registration, akin to that used in Victoria.

Victoria

- 2.87 The Victorian Government's recreational motorcycle registration scheme allows licensed riders to ride a motorcycle in certain areas without obtaining full

⁶⁴ Tasmanian Government Department of Infrastructure, Energy and Resources, *Segways* <http://www.transport.tas.gov.au/registration_information/segways> viewed 30 January 2014

⁶⁵ ACT Government, *Segway Review Report: A Review of Segway Use in the Australian Capital Territory*, May 2012, pp8, 30, viewed 30 January 2014, <<http://www.rego.act.gov.au/assets/PDFs/Segway%20Discussion%20Paper.pdf>>

⁶⁶ Canberra Times, Queensland first to allow Segways, 17 July 2013 <<http://www.canberratimes.com.au/act-news/queensland-first-to-allow-segways-20130716-2q2nc.html>> viewed 30 January 2014; and ACT Government, *Segway Review Report: A Review of Segway Use in the Australian Capital Territory*, May 2012, p29, viewed 30 January 2014, <<http://www.rego.act.gov.au/assets/PDFs/Segway%20Discussion%20Paper.pdf>>

registration.⁶⁷ Under the scheme, all recreational motorcycles must meet minimum construction requirements and comply with a number of operating conditions. Inspection requirements also apply in some circumstances.⁶⁸

- 2.88 Fees applicable under the Victorian recreational registration scheme are as follows:
- Registration fee - \$8.20.
 - Number plate fee - \$16.40.
 - CTP insurance premium - \$66.00 (inc. GST).
- 2.89 These costs are subsidised by the Victorian Government.
- 2.90 Transport for NSW holds the view that while a similar scheme might generate additional revenue for trial bike infrastructure and education initiatives, it is not required.
- 2.91 The NSW Government suggests that information and advice be provided through other existing means and by highlighting the information available to riders on the Forestry Corporation of NSW website. The Government also notes that Forests NSW and the NSW Environmental Trust have previously funded brochures and websites to aid riders.⁶⁹
- 2.92 Further, while the Victorian Department of Sustainability and Environment manages this initiative, a whole of NSW Government approach would be required to expand the recreational registration scheme to encompass education, land use and compliance.⁷⁰

⁶⁷ VicRoads, *Recreation motorcycle registration*, <<http://www.vicroads.vic.gov.au/Home/Registration/WhatHasToBeRegistered/OtherVehiclesvesselsAndRegistrationIssues/RecreationMotorcycleRegistration.htm>>, viewed 11 February 2014

⁶⁸ Transport for NSW, Answers to supplementary questions, 14 August 2013, pp13-14

⁶⁹ Transport for NSW, Answers to supplementary questions, 14 August 2013, p13

⁷⁰ Transport for NSW, Answers to supplementary questions, 14 August 2013, p14

Chapter Three – Factors in Crash Involvement

- 3.1 In this chapter, the Committee examines the range of predisposing causes of crashes involving non-registered motorised vehicles. Sources of data on injuries and fatalities are outlined, along with the adequacy of data collection. The Committee also considers age related risk factors and casualty trends for various types of non-registered motorised vehicles.

AVAILABLE DATA ON INJURIES AND FATALITIES

Data sources

- 3.2 A number of state and national databases provide relevant statistics concerning injuries and fatalities involving non-registered motorised vehicles. While differing levels of information can be extracted from the following data sets, there is currently a general lack of consistency and comprehensiveness of data on which to base sound policies for non-registered vehicles.
- 3.3 The NSW Admitted Patient Data Collection contains information on individual episodes of hospital care, such as: patient demographics; diagnoses; external cause/s; separation mode; and clinical procedures. Diagnoses and external cause codes are based on the International Statistical Classification of Diseases and Related Health Problems.
- 3.4 NSW CrashLink contains information on all police-reported road traffic crashes involving fatal or non-fatal injuries in an unpremeditated event, or where a vehicle was towed away and the incident occurred on a public road. A detailed record is made of the crash and conditions at the site, the traffic unit or vehicle and vehicle controller, and any resulting casualties.
- 3.5 The NSW Near Real-time Emergency Department Surveillance System includes data on patient age; gender, postcode of residence; arrival date and time; triage category; visit type; mode of arrival; country of birth; provisional diagnoses; hospital code; departure status; presenting problem; and triage nurse assessment.
- 3.6 The National Coronial Information System is a national data system on traumatic deaths investigated by a coroner, including administrative data; demographic details of the deceased; details of the incident; and the outcome. Police descriptions of the incident, an autopsy and toxicology report and coronial findings may also be included.
- 3.7 The WorkCover NSW Workers' Compensation Scheme data includes information on work-related deaths, injury and disease claims. Details of the claim, incident and employer; the claim activity; the claimant's time lost from work; services

provided to the claimant; and compensation payments and recoveries are recorded.⁷¹

Accident statistics

- 3.8 According to the NSW Government, accident statistics involving non-registered motorised vehicles are under-reported. Despite this, the number of crashes is very low compared with other vehicles, cyclists and pedestrians. As reported in Centre for Road Safety data for 2011, 26 crashes involved motorised wheelchairs or mobility scooters and 44 road crashes involved motorised bicycles. These figures should be reviewed against a total of 364 people killed and around 26,000 injured on NSW roads that year.⁷²
- 3.9 NSW Crashlink data shows that between 2007 and 2011, there were: six crashes involving motorised wheelchairs; no crashes involving quad bikes; one crash involving a mini bike; 10 crashes involving mopeds and/or motorised bicycles; and one crash involving a special mobility scooter.⁷³
- 3.10 Of the seven fatalities involving mobility scooters recorded between 2008 and 2012, in only one of these cases was the scooter rider identified as being at fault. In the other incidents, motor vehicle controllers were considered responsible for four of the crashes, while in two instances the fault was unknown.⁷⁴
- 3.11 A 2011 study commissioned by the Australian Competition and Consumer Commission analysed mobility scooter related hospitalisations and emergency department presentations. The survey results are summarised below:

Injuries

- There were 442 motorised mobility scooter fall injury hospitalisations in Australia from July 2006 to June 2008. The total number of hospitalisations is likely to be more than 700 due to the way in which hospital data is coded.
- Lower extremity injury was the most common type of injury for all age groups and fractures accounted for most injuries.
- Upper extremity injury was more common in the 60-69 age group than other age groups.
- The most common location for sustaining an injury was the road, street or highway followed by the home.
- In Victoria, the frequency of emergency department presentations has increased significantly over the last decade with an estimated annual increase of 13.5% and an overall estimated increase of 255% in 10 years.

⁷¹ Submission 60, Transport and Road Safety Research, University of New South Wales, pp6-8

⁷² Submission 66, NSW Government, p20

⁷³ Submission 70, City of Sydney, pp8-9

⁷⁴ Transport for NSW, Answers to supplementary questions, 14 August 2013, p2

- Analysis of injury severity for Victorian hospitalisations suggests that a significant proportion of injuries would have a serious effect in terms of persisting health problems and follow-up health care.

Fatalities

- There were 62 identified fatalities related to motorised mobility scooters from July 2000 to August 2010 in Australia, with another 14 likely cases under investigation.
- Men were significantly over represented in mortality data.
- Most deaths resulted from collisions with a motor vehicle; the most common cause of death was a head injury.
- The high prevalence of head injuries, particularly among fatalities and serious injury cases, indicates that improved head protection, such as helmets, may warrant further consideration.
- The largest proportion of deaths in those aged 80 and over were from being struck by motor vehicles, whereas the largest proportion of deaths for those under 80 were the result of falls.
- A large proportion of deaths occurred when motorised scooter users were crossing a road, attempting to get off the scooter and entering or approaching intersections.⁷⁵

- 3.12 According to the Transport and Road Safety (TARS) Research Unit at the University of New South Wales, there were 18 fatalities in Australia in 2012 resulting from accidents involving quad bikes. While there are around three to four fatalities each year throughout NSW, the number can fluctuate significantly, with five deaths having occurred by May 2013. Almost all incidents involving quad bikes take place off-road on private property, in forests or on park trails, and few occur on public roads.⁷⁶
- 3.13 Quad bikes were involved in 22 injury crashes in NSW between 2010 and 2012. In addition, there was one non-casualty crash and one fatal crash involving on road quad bikes and 13 injuries and eight fatalities resulting from off-road quad bike crashes.⁷⁷
- 3.14 The NSW Government considers quad bikes to be the most dangerous piece of equipment in Australia, with a significant number of deaths resulting from their use in the past 10 years:

⁷⁵ Based on data from the National Injury Surveillance Unit, Victoria's Injury Surveillance Unit and Trauma Registry and Queensland's Injury Surveillance Unit, see Monash University, Department of Forensic Medicine, *Targeted Study of Injury Data Involving Motorised Mobility Scooters*, 2011, pp4-5, viewed 21 October 2013, <<http://www.productsafety.gov.au/content/item.php?itemId=985925&nodeId=aa8864219ef7ffd9896da173d0c90825&fn=Targeted%20Study%20of%20Injury%20Data%20Involving%20Motorised%20Mobility%20Scooters.pdf>>

⁷⁶ Submission 60, Transport and Road Safety Research, University of New South Wales, p3, citations omitted

⁷⁷ Submission 66, NSW Government, p22

Quad bikes have proven to be the single-most dangerous item of plant in Australian industry in recent times, with over 100 people killed using them in the past 10 years. According to a media review undertaken by the Australian Centre for Agricultural Health and Safety, University of Sydney, there were 23 quad bike-related deaths reported nationally in 2011, including four children under the age of 16.⁷⁸

3.15 From 2006-07 to 2010-11, 2,036 children aged 0-17 years were hospitalised in NSW as a result of driving or being a passenger in a vehicle primarily intended for off-road use. Children aged 9-14 years were most likely to be injured in non-registered motorised vehicle crashes, followed by 15-17 year olds and 5-8 year olds:

- 92 of those injured in a special all-terrain or other off-road motor vehicle were aged 8 years or under.
- 20 of those injured while riding a motor-scooter, moped or motorised bicycle were 8 years or under.
- 156 children in this age range were injured riding an off-road motorcycle.⁷⁹

3.16 From 2003 to 2012, 25 children died in off-road vehicle accidents in NSW, 13 involving an off-road motorcycle and 11 involving quad bikes and other vehicles designed for off-road use. In relation to six of the deaths resulting from quad bike use, four children were aged 11 or younger, two children were driving the bike at the time of the accident (4 were passengers), and one was carrying multiple passengers.

3.17 All deaths occurred on rural properties and most of the children were riding the quad bike for recreation at the time of the accident. Half of the accidents involved the quad bike rolling or tipping over while driving up an incline. In five of the six deaths, the children were either with adults or under supervision by adults.⁸⁰

3.18 With regard to power assisted bicycles, five motorised bicycle riders were killed in crashes, and 184 riders were injured between 2000 and 2012. During that period, three motor vehicle drivers, one motor vehicle passenger, three motorised bicycle passengers, a mini-bike rider and five pedestrians were also injured in crashes involving a motorised bicycle.⁸¹

Factors contributing to accidents

3.19 The NSW Government provided the Committee with information regarding accidents involving mobility scooters gleaned from repair requests to EnableNSW. This is the agency that prescribes and procures mobility devices and provides training for new wheelchair users. Crashes resulted from: scooters hitting cars and being hit by cars; falls from devices; devices tipping on ramps;

⁷⁸ Submission 66, NSW Government, p16

⁷⁹ Submission 42, Commission for Children and Young People, pp2-3

⁸⁰ NSW Ombudsman, *NSW Child Death Review Team Annual Report 2012*, pp80-84

⁸¹ Transport for NSW, Answers to supplementary questions, 14 August 2013, p3

collisions with stationary objects and other pedestrians; and the underside of the mobility device being caught on rough ground/footpaths/gutters.⁸²

- 3.20 The Department of Family and Community Services provided data regarding incidents on Departmental premises where non-registered motorised vehicles are used to assist with client mobility. Figures show that the majority of incidents related to access in and out of the vehicle, issues with client behaviour management and driver error.⁸³
- 3.21 Approximately 5% of respondents to a survey on mobility scooter usage and safety reported an incident, including the scooter toppling over; colliding with an object; or tripping or falling from the scooter. Scooter users identified the factors they felt contributed to these incidents, including: cars backing out of driveways; not being noticed on roads or in parking lots; damaged roads and footpaths; and confusion at intersections among pedestrians, scooter users and other road users.⁸⁴
- 3.22 Research has identified various risk factors that are linked to an increased likelihood of off-road vehicle fatalities (including quad bikes), as follows:
- Uneven or bumpy ground.
 - Slopes and steep inclines.
 - Low skill/experience of driver.
 - Being under 16 years of age.
 - Having a passenger.
 - Overloading the vehicle.
 - Not wearing a helmet.
 - Riding without other people nearby and/or having a delay in accessing emergency services.
 - Excessive speed.
 - Alcohol or drug consumption.⁸⁵

ADEQUACY OF DATA COLLECTION

- 3.23 A consistent theme running thorough the inquiry is the lack of data pertaining to non-registered motorised vehicles. Comprehensive data collection and its

⁸² Submission 66, NSW Government, p9

⁸³ Submission 66, NSW Government, p23

⁸⁴ Australian Competition and Consumer Commission, *Mobility scooter usage and safety survey report, September 2012*, p9

<<http://www.productsafety.gov.au/content/item.phtml?itemId=996221&nodeId=275b9d64bad1829eea219e664ad8ab2b&fn=Mobility%20scooter%20usage%20and%20safety%20survey%20report.pdf>> viewed 24 January 2014

⁸⁵ NSW Ombudsman, *NSW Child Death Review Team Annual Report 2012*, pp84-85

availability has been commented on in previous Staysafe Committee reports and this applies more broadly to other vehicle data than the focus of this particular inquiry. The message has been reinforced in evidence gathered from current inquiry participants, who have told the Committee that data collection for crashes involving non-registered motorised vehicles is inadequate and that improvements are needed to better inform policy development.

- 3.24 TARS, in commenting on the limitations of current crash databases, particularly in relation to quad bikes, stated that it is difficult to identify incidents correctly. Researchers must perform text searches based on the description of an accident, or identify subcategories under certain vehicle classifications in order to locate specific data.⁸⁶
- 3.25 Due to the lack of functionality of the data collection, TARS submitted that it is difficult to estimate the risk of injury and usage of quad bikes. The lack of specific data on accidents, including: the model and make of quad bike; whether loads were being carried at the time of the accident; the activity being undertaken and the terrain involved; and details of what went wrong and how the person was injured, were identified by TARS as important factors. Such information is necessary to calculate 'person-risk or person-time risk', as well as to identify the key factors in accidents, and to develop effective countermeasures.⁸⁷
- 3.26 The TARS Unit argued that 'there is a general lack of information recorded in the administrative data collections regarding the circumstances of ATV related crashes', for example, whether an injured person was a sole operator or passenger, whether a helmet or restraint was worn, whether any rollover protective structures or loads were attached, and whether any objects were being towed. According to TARS, changes to data coding are required to identify crashes and the details of their circumstances.⁸⁸
- 3.27 There is also a lack of reliable data on motorised scooter accidents and injuries. The only comprehensive study undertaken in Australia showed that from July 2006 to June 2008, 442 people aged 60 and over were hospitalised as a result of a motorised scooter-related injury, costing the health system an average of \$5,665 per hospitalisation. TARS noted that the number of hospitalisations is likely to be far higher, due to problems with data collection.⁸⁹
- 3.28 Injury and death rates for mobility scooter users are unknown because of the lack of information about the number of scooters in the community. Existing data sources, including hospital and police records, lack detail about the circumstances and risk factors associated with mobility scooters, and few research studies have been conducted in this area.⁹⁰
- 3.29 A further complication is that the classification of mobility scooter users as pedestrians compromises data collection in relation to accidents. Hospital

⁸⁶ Submission 60, Transport and Road Safety Research, University of New South Wales, p9

⁸⁷ Submission 60, Transport and Road Safety Research, University of New South Wales, pp10, 26

⁸⁸ Submission 60, Transport and Road Safety Research, University of New South Wales, pp10, 26

⁸⁹ Submission 60, Transport and Road Safety Research, University of New South Wales, p23, citations omitted

⁹⁰ Submission 60, Transport and Road Safety Research, University of New South Wales, pp23-24, 27

admission data enables the identification of falls from scooters but does not identify mobility scooters involved in transport accidents, as they are coded as pedestrians. This has implications for programs targeting prevention and user safety:

As result, the burden and more importantly the circumstances leading to MMS crashes remain largely unknown limiting any future prevention efforts. There is a need for epidemiological studies (i.e. cohort studies) that will examine the circumstances leading to MMS crashes in order to inform strategies aimed at improving their safety.⁹¹

3.30 The difficulty associated with distinguishing between particular types of vehicles was raised consistently throughout the inquiry. The Commission for Children and Young People analysed data for injuries to children in the NSW Admitted Patient Data Collection, and noted that the coding system does not enable differentiation between certain vehicles. This means that some registered vehicles generally used on public roads (such as mopeds) are included along with non-registered vehicles (electric bicycles and quad bikes).⁹²

3.31 Transport for NSW advised that the Crashlink database (managed by the Centre for Road Safety) is dependent on information provided by the NSW Police Force. The Centre has worked to improve the quality of data captured where possible, but the data is reliant on the reporting officers' knowledge of non-registered motorised vehicles and their use of correct terminology when compiling the crash report. Transport for NSW also noted that the hospital database is not intended to act as a source of crash data:

The Centre for Road Safety works closely with the NSW Health's Admitted Patient's Data collection. The data collection provides accurate and valuable information admitted patients' age and gender, extent and severity of their injuries as well as the length of stay etc. However, the admitted patient data collection is not designed to be the source of crash dynamics information- the crash location, the vehicle movements, the traffic units involved in the crash etc. These are data items better captured by the reporting police officers attending the scene of the crash (such as the crash investigation squad).⁹³

3.32 Nambucca Shire Council highlighted the lack of data about the number of scooters in the local community and the difficulties of estimating scooter use due to second hand sales: 'There is no real way of knowing. Even though you could get statistics from the suppliers themselves, in our area a lot of people rely on the pension so there is a fairly big market in second-hand scooters as well. So even if you could get the numbers of new scooters purchased, it would only be an indication.'⁹⁴

⁹¹ Submission 60, Transport and Road Safety Research, University of New South Wales, pp23-24, 27

⁹² Submission 42, Commission for Children and Young People, p2

⁹³ Transport for NSW, Answers to supplementary questions, 14 August 2013, p7

⁹⁴ Ms Coral Hutchinson, Manager, Community and Cultural Services, Nambucca Shire Council, Transcript of evidence, 5 August 2013, p23

- 3.33 According to Gosford City Council, 'Little accurate data is being recorded within the LGA that reflects the number, type, seriousness or any other information relating to injury or fatality arising specifically from the use of NRMV's'.⁹⁵
- 3.34 Mr Mark Walker observed that improved data collection should enable different mobility scooter models to be recorded, to help determine their relative safety and risks of accidents:
- ...there is also the difference between the Delta trike and the four-wheeled mobility scooters. It is well-known in engineering and automotive engineering terms that a Delta format is not as stable as the quad format. We cannot differentiate at the moment statistically what one was involved; we cannot say whether or not those are safer or less safe to use. It may be that there needs to be a limitation on three-wheeled Delta form scooters different to the quads. We do not know that without collecting the data to prove whether or not one is more likely to fall over than the other—ditto the narrow ones versus the wide ones.⁹⁶
- 3.35 As previously mentioned, a number of inquiry participants pointed to definitional issues in the accuracy of data on deaths and injuries resulting from mobility scooter accidents, due to the vehicles' classification as pedestrians.⁹⁷ Manly Council supported improvements to the current system for recording crashes:
- The data identifies what caused a crash using Road User Movement (RUM) codes, but in the case of a pedestrian or pedal cyclist it does not state whether a non-registered motorised scooter, bicycle, wheelchair, etc. was involved. In order to get a clearer understanding of the severity of a crash involving a non registered motorised vehicle a system needs to be devised to identify these specific incidences for data analysis. Otherwise, a system where insurers identify the number of claims they have received for such incidences could be explored.⁹⁸
- 3.36 The Motorcycle Council of NSW noted that inadequate classification was also an issue for quad bikes: 'ATVs do not have an ADR vehicle classification and if the description of what constitutes an ATV is not precise, then the adequacy of data collection for this type of vehicle is understandably lacking'.⁹⁹
- 3.37 Occupational Therapy Australia – NSW noted that scooter injury data is limited to anecdotal evidence, and that survey data does not include injuries sustained by pedestrians who are hit by scooters:
- Anecdotally, occupational therapists report that injuries may include falls when getting on/off scooters in the home in addition to accidents in the community.
- It should be noted that surveys...include only people currently using scooters, and does not capture any data regarding injury rates for those people who no longer use a mobility scooter and who may have discontinued using a scooter due to injuries sustained.

⁹⁵ Submission 74, Gosford City Council, p5

⁹⁶ Mr Mark Walker, Transcript of evidence, 5 August 2013, pp8-9

⁹⁷ Submission 45, Institute of Public Works Engineering Australia (NSW Division), p 9 and Submission 70, City of Sydney, p6

⁹⁸ Submission 59, Manly Council, pp 2-3

⁹⁹ Submission 2, Motorcycle Council of NSW, p5

Data regarding injuries is limited to mobility scooter users and does not include injuries or accidents sustained by other pedestrians or damage to other property.¹⁰⁰

- 3.38 Some inquiry participants referred to the lack of information about mobility scooter accidents, while acknowledging that the number of accidents is low. According to Scooters Australia:

If you look at the averages of how many people die as a result of using scooters per year per State it is about one. There is approximately one person per year per State that dies as a result of using a scooter. It is a very low figure.¹⁰¹

- 3.39 Mr Milton Cockburn, Executive Director of the Shopping Centres Council of Australia, similarly told the Committee that the number of mobility scooter related accidents occurring in shopping centres is so low that no data is collected regarding such accidents.¹⁰²

- 3.40 However, the City of Sydney expressed concerns about the under-reporting of many crashes, particularly those that do not involve significant injury or property damage. The Council also noted that records are usually not kept for crashes on private premises, stations, parks, shopping centres and open spaces.¹⁰³

- 3.41 The National Parks and Wildlife Service noted that the Service is unable to access data about NSW Ambulance Service attendances at incidents on the Worimi Conservation lands, where recreational vehicles such as quad bikes are permitted. The Service argued that injury data should inform policy and planning:

Access to injury data would and should contribute to policy and planning around activity in the RVA. The proper assessment and management of visitor risk does require an understanding of the “consequences” of existing management practices – without this data, evidence based decisions cannot be made on the issues of safety risk.¹⁰⁴

- 3.42 The Combined Pensioners and Superannuants Association expressed support for evidence based decisions in developing policy for mobility scooters, and called for further data collection, stating the results of current information and data gathering ‘clearly do not represent a body of evidence on which to base policy development.’¹⁰⁵ The Association argued that lack of information means that the focus should be on amassing better data, rather than additional regulation in the absence of evidence:

Given the lack of data, it would be completely premature to attempt to regulate mobility scooter design, performance and use. The policy development focus should in the first instance be on systematic and sustained data collection in the area of user experiences and needs, road design and accidents involving mobility scooters.

¹⁰⁰ Submission 26, Occupational Therapy Australia (NSW), p5

¹⁰¹ Mr Peter Fraser, Managing Director, Scooters Australia Pty Limited, Transcript of evidence, 24 June 2013, p14

¹⁰² Mr Milton Cockburn, Executive Director, Shopping Centres Council of Australia, Transcript of evidence, 24 June 2013, p11

¹⁰³ Submission 70, City of Sydney, p8

¹⁰⁴ National Parks and Wildlife Service, Answers to supplementary questions, 17 July 2013, pp3-4

¹⁰⁵ Submission 31, Combined Pensioners and Superannuants Association of NSW Inc, p4

The policy development trap in this area is to focus on the negative, i.e. on the risks associated with mobility scooter use rather than on the benefits. The benefits of mobility scooter use on public roads and private property are many and diverse. The use of mobility scooters by older people has the potential for significant improvements in mental health outcomes as people are enabled to move around at will in their community, breaking their social isolation and reducing their reliance on formal or informal carers. ...¹⁰⁶

3.43 Warringah Council shares this view, stating that ‘Good quality, reliable data on the use and crash incidence of non-registered motorised vehicles is essential prior to any ‘knee jerk’ regulatory and potentially costly reaction to what may not be a real issue.’¹⁰⁷

3.44 Liverpool City Council similarly observed that better data collection by RMS for off-road accidents would assist with the preparation of grant submissions for road safety projects targeting motorised vehicles.¹⁰⁸

3.45 As a means of assisting data collection, the City of Sydney suggested a smart phone application to provide data on community perceptions of safety. This would enable pedestrians, cyclists and scooter users to record incidents and categorise their severity by choosing a rating for factors such as personal impact and allocation of fault. Although the data gathered would not be statistically sound, the Council submitted that it would allow for an understanding of perceptions of safety:

It is more often perceptions that lead to calls for regulatory change than actual incidents. Some of the data would be verifiable, and because it would be an “opt-in” system there is no privacy issue. Using photographic and geographic positioning from telephones would also enable cross-matching of reports.¹⁰⁹

3.46 The City of Sydney submitted that a smart phone application would be relatively cheap to develop (costing less than \$15,000), and depending on how it is managed, unlikely to incur significant administrative costs (one full time employee to manage, report and analyse the data across the entire metro area).¹¹⁰

3.47 Mr Leonard Woodman, Road Safety Officer with the City of Sydney, told the Committee that the Council’s recent pilot of this type of technology had enabled collection of data on how people travel around the city:

That is something that we piloted last year. That is really to basically find out two things. One is a positive side, to get feedback from people who are moving around the city as to the best routes that they choose. If they are going from Glebe to Central we build up a picture by using these apps of how people travel with mobility scooters predominantly, and there may be people who are ambulant with walking

¹⁰⁶ Submission 31, Combined Pensioners and Superannuants Association of NSW Inc, p4

¹⁰⁷ Submission 24, Warringah Council, p4

¹⁰⁸ Submission 54, Liverpool City Council, p1

¹⁰⁹ Submission 70, City of Sydney, p8

¹¹⁰ Submission 70, City of Sydney, p8

sticks and so on, so we can find out what routes they choose. On the other side it is to find out where there are issues that we need to deal with.¹¹¹

- 3.48 Scooters Australia suggested that using Customs import data would be the most efficient way to collect data on mobility scooters, as all scooters sold in Australia are imported:

... The State Government should request the Dept of Customs and Border Protection Service to separate out mobility scooters from other motorized mobility products in their statistics on importation so as to provide more useful information on import numbers.¹¹²

CASUALTY TRENDS AND UNDERLYING RISK FACTORS

- 3.49 A range of risk factors contribute to non-registered motorised vehicle crashes. These include poor vehicle design, insufficient vehicle maintenance, inadequate local infrastructure, and user error or incapacity.
- 3.50 A disturbing trend is the continuing increase in quad bike fatalities. According to the NSW Government, data from the University of Sydney's Australian Centre for Agricultural Health and Safety showed that the number of deaths from the use of quad bikes has risen in the past decade from around 8-10 a year, to 14 in 2010.¹¹³

Vehicle design

- 3.51 Poor vehicle design contributes to quad bike fatalities. The Institute of Public Works Engineering – NSW Division highlighted the risk of quad bikes rolling over, while noting that quad bike crashes do not impact on road safety, as they usually occur on private roads.¹¹⁴ In spite of this, Mr Michael Savage, Roads and Transport Directorate Manager from the Institute told the Committee that the safety of quad bikes is a significant issue:

But to ignore the safety issue, particularly on farms and fire trails where these devices are used, is something that we would like to draw attention to and refer that to the appropriate place.¹¹⁵

- 3.52 The danger of quad bikes rolling over is confirmed by a study cited by TARS. The study looked at data on 127 quad bike deaths in Australia between 2001 and 2010, which found that 65% of fatalities occurred on-farm, with 45% of incidents being work-related and 46% involved rollovers of the quad bike.¹¹⁶
- 3.53 The Royal Australasian College of Surgeons cited data on the causes of quad bike deaths, which showed that vehicle rollover was associated with the highest number of fatalities (39%), with head injuries occurring in 24% of cases. Where

¹¹¹ Mr Leonard Woodman, Road Safety Officer, City of Sydney, Transcript of evidence, 24 June 2013, p65

¹¹² Submission 22, Scooters Australia Pty Ltd, p3

¹¹³ Submission 66, NSW Government, p28

¹¹⁴ Submission 45, Institute of Public Works Engineering Australia (NSW Division), p4

¹¹⁵ Mr Michael Savage, Roads and Transport Directorate Manager, Institute of Public Works Engineering (NSW Division), Transcript of evidence, 24 June 2013, p2

¹¹⁶ Submission 60, Transport and Road Safety Research, University of New South Wales, p4

the slope of the ground at the site was recorded, 69% of accidents occurred on a steep slope, providing evidence for the instability of the quad bike.¹¹⁷

- 3.54 With regard to mobility scooters, Mr Savage from the Institute of Public Works Engineering commented on the lack of design rules and the lack of education for users on appropriate use:

There are no design rules for these vehicles, and some are suited to particular uses. Three-wheel vehicles, for example, appear to be suited to shopping malls and high density pedestrian areas, whereas there is anecdotal evidence that those sorts of vehicles are prone to roll over and create injury when used on public footpaths and public roads. The second thing that we became aware of is that there is no uniform education associated with the use of these vehicles. I could go and purchase a vehicle and take it out on to public areas such as public footpaths, or public roads for that matter, without anyone having given me any instruction or pointed out to me the basic road rules that at the present time cover the use of those vehicles.¹¹⁸

- 3.55 In its submission to the inquiry, TARS also highlighted the lack of specific design rules for mobility scooters.¹¹⁹ The Committee discusses design standards in greater detail in the following chapter of the report.

- 3.56 Mobility scooter design can also represent a risk to other road users. Orange and Cabonne Councils commented that mobility scooters' size, speed and inaudible motor are a potential source of danger for vulnerable pedestrians:

They are electric and as such are very hard to hear, this is disconcerting for people with low vision and people who use guide dogs have stated that the scooters often startle the dogs.

The size and speed of the scooter is in conflict with other pedestrians including, older people on foot, young children, people with a disability and people with vision impairment. The potential for scooters to cause serious injury to pedestrians and damage to equipment, guide dogs is evident in reports of mobility scooters knocking down and running over people in the street and shopping centres.¹²⁰

- 3.57 Assistive Technology Suppliers Australasia (ATSA), an industry group representing businesses who supply mobility devices including scooters, had a differing view. The Association submitted that mobility scooters are safe due to the following design features: the user is seated low to the ground; the devices move slowly (slightly above walking pace at maximum speed) and speed can be limited by programming; the controls are designed to be fail-safe and do not need legs or feet to operate; mechanical or electronic faults will shut most models down; finger or thumb pressure is required to activate movement and when pressure is released the scooter comes to a halt; and brakes come on when finger pressure is released.¹²¹

¹¹⁷ Submission 73, Royal Australasian College of Surgeons, p2, citations omitted

¹¹⁸ Mr Michael Savage, Roads and Transport Directorate Manager, Institute of Public Works Engineering (NSW Division), Transcript of evidence, 24 June 2013, p2

¹¹⁹ Submission 60, Transport and Road Safety Research, University of New South Wales, pp24-25

¹²⁰ Submission 52, Orange City Council and Cabonne Shire Council, p2

¹²¹ Submission 37, Assistive Technology Suppliers Australasia, pp6-7

- 3.58 Ms Kerry Boland, Acting Commissioner for Children and Young People, told the Committee that fitting a motor to vehicles that are commonly used by children increases the risk of injury: 'The link between speed and the severity of injuries is well established. The fitting of motors to traditionally non-motorised vehicles that are widely used by children and young people for both recreation and transport allows increased speed and, consequently, increased risk of injury.'¹²²

Adequacy of infrastructure and planning

- 3.59 Another significant risk factor impacting on non-registered motorised vehicles is poorly designed and/or badly maintained road safety infrastructure. Inappropriate and inadequately maintained footpaths and ramps create safety hazards, particularly for mobility scooter users.
- 3.60 The Australian Competition and Consumer Commission's survey on mobility scooter users' perceptions of safety found that users consider the physical environment to be a key factor influencing safe use of mobility scooters. Footpath design and maintenance and road safety were specifically highlighted.¹²³
- 3.61 According to Scooters Australia, infrastructure is by far the most serious issue affecting scooter safety, with users having poor options for route choice and frequently being forced into roads, gutters and nature strips. Mr Peter Fraser, Managing Director of Scooters Australia stated that poorly designed ramps and narrow, bumpy footpaths are implicated in scooter-related accidents:
- Where accidents happen it is usually the road-footpath interface where the ramp is not done properly: it is not wide enough, it is not carefully thought out before they put the ramp in. ... a lot of the accidents happen exactly there—they are too narrow, they are too steep, they are badly designed and people try to get up them and then flip the thing over because they just have not been designed well.
- It is crucial to get the ramps right, to get the interface between the road and the footpath right—that is really critical.¹²⁴
- 3.62 ATSA also noted that deficient infrastructure is a factor that puts mobility scooter users at risk:
- Poor local infrastructure for powered mobility devices can result in a very capable user being put at risk. Poorly maintained or non-existent footpaths force people to use their device on the road. Overly steep or badly designed gutter ramps can challenge the stability of any wheeled mobility device.¹²⁵

¹²² Ms Kerry Boland, Acting Commissioner for Children and Young People, Transcript of evidence, 24 June 2013, p2

¹²³ Monash University, Department of Forensic Medicine, *Targeted Study of Injury Data Involving Motorised Mobility Scooters*, 2011, p6, viewed 21 October 2013, <<http://www.productsafety.gov.au/content/item.php?itemId=985925&nodeId=aa8864219ef7ffd9896da173d0c90825&fn=Targeted%20Study%20of%20Injury%20Data%20Involving%20Motorised%20Mobility%20Scooters.pdf>>

¹²⁴ Mr Peter Fraser, Managing Director, Scooters Australia Pty Limited, Transcript of evidence, 24 June 2013, pp25-26; and Submission 22, Scooters Australia Pty Ltd, p2

¹²⁵ Submission 37, Assistive Technology Suppliers Australasia, p11

- 3.63 Mr Paul Versteeg, Policy Co-ordinator for the Combined Pensioners and Superannuants Association of NSW told the Committee that poor infrastructure, particularly in regional areas, means that mobility scooter users are forced to ride on the road:

... people in urban areas, properly urban areas, drive on the footpath and are horrified at the fact that when they go and visit friends and relatives in regional Australia or even the Central Coast or south coast footpaths quite often do not exist and we have these little scooters on the road. ... We need to look at whether footpaths in the city are going to be big enough to accommodate the growing use of these scooters and whether it is time for towns in regional Australia to make provisions for something approaching a proper footpath.¹²⁶

- 3.64 The quality of infrastructure in regional areas is particularly relevant given that a 2012 survey of mobility scooter safety found that mobility scooter use is higher in regional/rural/remote areas than in capital cities, with 50 per cent of scooter users living outside capital cities.¹²⁷

- 3.65 Warringah Council recommended that the characteristics of non-registered motorised vehicles such as mobility scooters be taken into account in the design of public places and that consideration be given to amending local and state government guidelines to take account of the increasing use of such vehicles.¹²⁸

- 3.66 ATSA echoed this view, recommending that local and state governments focus on powered mobility device safety when designing or upgrading public infrastructure.¹²⁹

- 3.67 Marrickville Council also emphasised the need to consider infrastructure and urban planning, suggesting that the Committee consider 'regulation of footpath environments, the design and management of such environment and the public domain including how service utility policies and practice impacts these pathways.' The Council observed that the increasing use of such vehicles could reduce overall road risk if fewer vehicles are on the road:

Perhaps this trend away from road vehicles should be supported and aided by increased infrastructure resourcing and a greater share of the road environment where the health and safety of the users and neighbourhood is enhanced.¹³⁰

- 3.68 Submissions also noted the limited space available on local footpaths to accommodate an increasing number of wide vehicles such as scooters. The City of Sydney's Liveable Green Network will include: widened footpaths; separated cycleways; improved crossings; and lower speed limits, to cater for the needs of people using mobility scooters and electric wheelchairs. However, the Council

¹²⁶ Mr Paul Versteeg, Policy Co-ordinator, Combined Pensioners and Superannuants Association of NSW, p68

¹²⁷ Mobility scooter usage and safety survey report, September 2012, p3, viewed 24 February 2014, <<http://www.productsafety.gov.au/content/item.phtml?itemId=996221&nodeId=275b9d64bad1829eea219e664ad8ab2b&fn=Mobility%20scooter%20usage%20and%20safety%20survey%20report.pdf>>

¹²⁸ Submission 24, Warringah Council, p3

¹²⁹ Submission 37, Assistive Technology Suppliers Australasia, p4

¹³⁰ Submission 72, Marrickville Council, p3

observed that 'unlike cycles, the current width of some of these devices would make mass use of them impractical for footpath use in many circumstances.'¹³¹

- 3.69 Liverpool City Council raised the financial imposts on councils of providing infrastructure to accommodate wider non-registered motorised vehicles.¹³² This was echoed by Singleton Council, which commented on the additional road and footpath space required to accommodate such vehicles, thereby limiting parking space on roads and impacting on the safety of cycleways. The Council stated that 'If these vehicles are to operate on footpaths, this would have severe infrastructure implications, especially in country towns, or on older streets with limited space.'¹³³

- 3.70 Several Councils submitted that they have identified required improvements, but face financial constraints in funding infrastructure upgrades.

- 3.71 Mr Nicholas Gainsford, Road Safety Officer with Port Macquarie-Hastings Council told the Committee that while the Council was working to improve local infrastructure such as crossings and pram ramps, budgetary limits are the most significant impediment the Council faces:

So it is not only the cost of the footpath it is the cost in terms of all that added infrastructure that you are going to put in so it will work...Those things needed to be taken into account and...the budgetary constraints are the biggest problem in terms of council's operational structure and delivering the footpaths. But access has certainly been improving over the last few years...

In the three years I have been at council we have been on two tours with the access committee, where there has been a cavalcade of wheelchairs, mobility scooters, motorised wheelchairs, Zimmer frames and all those sorts of things, to show directors and councillors the problems that people face every day.¹³⁴

- 3.72 Nambucca Shire Council submitted that 'the key safety issue for people using non-registered motorised vehicles is safe path of travel via an adequate footpath network'. The Council stated that asset maintenance is a 'daunting task' for councils, with footpath construction suffering due to competing priorities and the burden of maintaining existing pathways.¹³⁵

- 3.73 Ms Coral Hutchinson, Manager of Community and Cultural Services at Nambucca Shire told the Committee that additional state and federal government support is required to provide necessary local infrastructure:

...we would really like to come on board with State Government and possibly the Federal Government ... to look at ways of funding the infrastructure we need. It is not just footpaths, it is ramps and so on. For us, we have an extensive boardwalk

¹³¹ Submission 70, City of Sydney, pp4-5

¹³² Submission 54, Liverpool City Council, p2

¹³³ Submission 33, Singleton Council, p1

¹³⁴ Mr Nicholas Gainsford, Road Safety Officer, Port Macquarie-Hastings Council, Transcript of evidence, 5 August 2013, pp14-15

¹³⁵ Submission 56, Nambucca Shire Council, p1

along our river. We need to be able to provide that so that people with motorised scooters can use that.¹³⁶

- 3.74 Warringah Council also recommended additional state government support for councils to provide better infrastructure, including wider shared paths that can accommodate the needs of motorised vehicles and other users.¹³⁷
- 3.75 Gosford City Council stated that it receives requests for better infrastructure for mobility scooters and electric bicycles, particularly the need to separate these vehicles from road traffic. While the Council is developing a long-term program of remedial work to upgrade pathways and improve accessibility, this is a costly process: 'it is prohibitively expensive to provide footpath access to every road or for that matter prioritise and rank footpaths based on a number of criteria.'¹³⁸

Unsafe vehicle use

- 3.76 A further crash factor identified by the inquiry is the risk of injury and death from the unsafe use of non-registered motorised vehicles and the incapacity of users, for example due to alcohol consumption, or cognitive and physical impairment to operate a vehicle effectively.
- 3.77 The Commission for Children and Young People highlighted the number of child deaths due to children driving quad bikes and argued that they should not be allowed to operate these vehicles. The Commission cited a 2012 report on child quad bike deaths in Queensland, which found that in most of the cases examined the child was operating the quad bike. The report stated that children were incapable of operating quad bikes safely:
- In most cases, the power of the bike was too high for the child to operate, taking into account the child's age. Generally, the mechanism of injury involved the bike over-turning, resulting in child entrapment under the bike. This paper refers to the findings of other research that "children under the age of 16 do not have the size, strength, reflexes and sense of balance required to safely operate a quad bike" and that most do not possess the perception required to accurately judge hazards in complex environments and conditions.¹³⁹
- 3.78 The Commission recommended that children under the age of 12 not be able to ride on quad bikes, either as drivers or passengers, and that young people aged 12 to 16 should not ride adult sized bikes. The Commission also supported the use of helmets and personal protective equipment, along with specialised training and adult supervision for young people riding bikes.¹⁴⁰
- 3.79 Compounding risk factors in the use of mobility scooters is riding on roads and riding under the influence of alcohol. This increases crash risks and compromises personal safety.

¹³⁶ Ms Coral Hutchinson, Manager, Community and Cultural Services, Nambucca Shire Council, Transcript of evidence, 5 August 2013, pp20-21

¹³⁷ Submission 24, Warringah Council, p1

¹³⁸ Submission 74, Gosford City Council, pp4, 11

¹³⁹ Submission 42, Commission for Children and Young People, pp4-5

¹⁴⁰ Submission 42, Commission for Children and Young People, pp4-5

- 3.80 Ms Margaret Prendergast, General Manager of the Centre for Road Safety told the Committee that riding on roads presents a big risk for mobility scooter users:

I believe that the largest danger we face is when mobility scooters come out on the road. The fatalities we have seen, albeit some have been people on a mobility scooter crossing at a pedestrian crossing and not being seen by a driver, but there are others where they have been riding along in the breakdown lane and the like. That is where they will encounter a heavy truck or a larger vehicle. It is this mix of vehicles into the future, these larger, heavier trucks and lighter greener vehicles, more two-wheelers, more personal mobility devices—there needs to be separation. The people who are using mobility scooters have cognitive and physical issues. It is safer for them to be riding on the footpath than in a road environment.¹⁴¹

- 3.81 Ms Hutchinson highlighted user capacity, expressing concern about a vision impaired mobility scooter user in her local area:

Where motorised scooters replace someone's leg and become transport, there are issues of capacity. Just recently in the main street of Macksville, there was an elderly lady on a motorised scooter and taped to the front of it was a great big sign that said, "Caution—vision impaired". I think that is a real concern for her, but also for others around her, so there are issues of capacity.¹⁴²

- 3.82 Orange City Council and Cabonne Shire Council cited cases where mobility scooter riders with cognitive impairment had been involved in multiple traffic and pedestrian crashes in their communities.¹⁴³

- 3.83 At the Committee's public hearing in Port Macquarie, Mr Charles Nicholson spoke about a collision involving a mobility scooter user who lost control of her vehicle. Mr Nicholson's wife was seriously injured and required surgery as a result of the crash:

The elderly lady—she was in her nineties—who was driving the motorised scooter obviously lost control of the machine. She hit my wife and the other lady from behind. They had no warning because they make no noise. She ran over my wife and knocked her over and hit the other lady, knocked her over and tipped the scooter over on top of her. A number of people who were nearby lifted the machine off the other lady. The lady who was driving got back on and left. It was only after a number of news bulletins and articles were published in the local newspapers around Ballina that her family made contact—some 17 days later—to offer an apology on her behalf. ...¹⁴⁴

- 3.84 Orange City Council and Cabonne Shire Council submitted that 'many users adapt the motorised mobility scooter as a transport option for on road use with other registered vehicles', citing inappropriate use of scooters as alternative vehicles on regional roads and highways: 'There have been reports of these units mixing in

¹⁴¹ Ms Margaret Prendergast, General Manager, Centre for Road Safety, Transport for NSW, Transcript of evidence, 28 June 2013, pp44-45

¹⁴² Ms Coral Hutchinson, Manager, Community and Cultural Services, Nambucca Shire Council, Transcript of evidence, 5 August 2013, p20

¹⁴³ Submission 52, Orange City Council and Cabonne Shire Council, p2

¹⁴⁴ Mr Charles Nicholson, Transcript of evidence, 5 August 2013, pp2, 4-5

traffic with four wheel drive vehicles, semi-trailers and B Doubles, all of whom would have limited sight of the scooters existence in their proximity.’¹⁴⁵

3.85 The Councils also referred to community concerns that scooters were being used by people who had lost their drivers’ licence for drink driving, with disqualified drivers using scooters and continuing to drive under the influence of alcohol.

3.86 The Royal Australasian College of Surgeons referred to the role alcohol plays in accident trauma involving non-registered motorised vehicles: ‘At the clinical interface nonregistered motor vehicles are beginning to play a more significant role in trauma, often associated with alcohol.’¹⁴⁶

3.87 Unsafe driver behaviour was also raised as a risk factor, with Scooters Australia pointing to a lack of driver awareness leading to accidents involving scooters. Scooters can be difficult to see and some drivers are aggressive or ignorant of these vehicles:

Many accidents occur because motor vehicle drivers are not sufficiently aware of mobility scooter users. This can happen when a driver reverses out of a driveway and collides with a scooter, inadequate awareness of users on crossings, or simple aggression by drivers who assume that they own the road. Because scooter users have a lower profile than adult pedestrians, visibility is more akin that of a young person. A visibility flag is best solution to this issue for the user, and better driver awareness is the best solution for the community.¹⁴⁷

3.88 Submissions also contended that some scooter users may never have held a driver’s licence and may therefore have a limited understanding of road rules.¹⁴⁸ The Committee discusses road safety education in detail in chapter 6.

Vehicle maintenance

3.89 Poor maintenance of mobility devices was also identified as a risk factor, with Assistive Technology Suppliers Australasia stating that users rarely follow maintenance guidelines:

Users of wheeled mobility devices rarely adhere to guidelines for scheduled maintenance and as a rule it is only when their device experiences a problem that it is serviced. A powered mobility device that is poorly maintained can increase the risk to a user of malfunction or effectively being marooned.¹⁴⁹

3.90 Occupational Therapy Australia – NSW observed that some online and local retailers of mobility scooters do not provide maintenance or repair services, and purchasers may not be aware of the need for maintenance. According to the Association, this could result in poorly maintained scooters ‘increasing the risk of injury to mobility scooter users and other pedestrians’.¹⁵⁰

¹⁴⁵ Submission 52, Orange City Council and Cabonne Shire Council, p2

¹⁴⁶ Submission 73, Royal Australasian College of Surgeons, p1

¹⁴⁷ Submission 22, Scooters Australia Pty Ltd, p2

¹⁴⁸ Submission 52, Orange City Council and Cabonne Shire Council, p3

¹⁴⁹ Submission 37, Assistive Technology Suppliers Australasia, p11

¹⁵⁰ Submission 26, Occupational Therapy Australia – NSW, p5

AGE AS A RISK DETERMINANT

- 3.91 While older road users may become more susceptible to the risk of serious injury and associated infirmity as a result of the ageing process, the risks associated with age depend on the type of vehicle being used. Quad bike deaths and injuries are increasing for all ages including children, while mobility scooters can present a higher risk for older users.
- 3.92 It is already evident that an ageing population is resulting in an increased take-up of mobility scooters and that this trend will continue.¹⁵¹ The Institute of Public Works Engineering Australia expressed the view that non-registered motorised vehicles, particularly mobility scooters, 'will become more prevalent within ageing communities and that appropriate planning needs to occur now to ensure that these needs are met within the wider transport planning process.'¹⁵²
- 3.93 The Committee heard evidence that injuries have increased with more widespread use of mobility scooters. TARS referred to a Victorian study of mobility scooter injuries and deaths, which documented a 255% increase in the frequency of emergency department presentations between 2000 and 2009, indicative of the reported growth in mobility scooter use among older people. According to the Unit, 'this trend is likely to continue as the population ages and more impetus is placed on maintaining the mobility and independence of older people.'¹⁵³
- 3.94 According to the NRMA, although the current incidence of injury due to non-registered motorised vehicle use is low, it is expected to increase due to the ageing population and wider use of these vehicles.¹⁵⁴ The NRMA cited projections indicating that the NSW population is expected to increase from 7.2 million in 2011 to 18.7 million in 2031. People aged 65 and over will make up a significant proportion of the increase, from 14% to over 21% of the NSW population. According to the NRMA 'one of the challenges will be meeting the transport needs of this ageing but mobile population.'¹⁵⁵
- 3.95 The Country Women's Association expressed concern at the risks associated with the increased use of motorised scooters within the ageing population and the physical requirements associated with operating a mobility scooter.¹⁵⁶
- 3.96 The emerging serious injury trend in Australia associated with mobility scooter use, particularly among older people, has been noted by Product Safety Australia. Serious injury and death can occur if users lack the strength and physical skills required to operate scooters safely, including:
- Hand strength and movement to use the controls, steer and turn.

¹⁵¹ Mr Milton Cockburn, Executive Director, Shopping Centres Council of Australia, Transcript of evidence, 24 June 2013, p11

¹⁵² Submission 45, Institute of Public Works Engineering Australia (NSW Division), p10

¹⁵³ Submission 60, Transport and Road Safety Research, University of New South Wales, p23

¹⁵⁴ Submission 64, NRMA Motoring and Services, p1

¹⁵⁵ Submission 64, NRMA Motoring and Services, p2

¹⁵⁶ Submission 17, Country Women's Association, p1

- The ability to turn their head to look to the side and behind.
- Balance when riding on bumpy or rough ground.
- The ability to sit for periods of time and change the position of their body when going up and down inclines.
- Sound vision and hearing to notice vehicles and pedestrians approaching and to judge distances.
- The ability to concentrate for the entire journey and react quickly enough to stop and turn suddenly.
- Knowledge of safety procedures and the ability to exercise patience in crowded areas such as shopping centres.¹⁵⁷

3.97 Specific risk factors apply to children and young people using quad bikes. According to Ms Boland, factors that are more common among young unlicensed drivers include not wearing safety devices such as helmets, not being properly trained to operate the vehicle and riding vehicles that are inappropriate for their age:

They may not wear appropriate safety devices such as helmets or seatbelts; they may use a vehicle which is not appropriate to their age and size; they may have no educational training in handling these vehicles; they may also ride or drive the vehicle without adult supervision; they may be riding or driving vehicles designated to adult standards and specifications not appropriate to their age, weight and size; or there may be other issues with vehicle standards and design.¹⁵⁸

3.98 The NSW Child Death Review Team has recommended that the Department of Premier and Cabinet and key agencies develop strategies to reduce the risk of child death and injury from off-road vehicles, focussing on consideration of existing or planned initiatives at state and national levels; the need for research on environmental and vehicle design prevention elements and parent and carer perceptions of risk; the need for public awareness strategies including print and electronic media; and the need to regulate recreational use of vehicles on private property, including licensing, registration, and requirements for safety equipment such as helmets.¹⁵⁹

3.99 These issues are elaborated on in the following chapters of the report.

¹⁵⁷ Product Safety Australia, *Mobility scooters*,
<<http://www.productsafety.gov.au/content/index.phtml/itemId/973401/fromItemId/971517>>, viewed
21 October 2013

¹⁵⁸ Ms Kerry Boland, Acting Commissioner for Children and Young People, Transcript of evidence, 24 June 2013, pp3-4

¹⁵⁹ NSW Ombudsman, *NSW Child Death Review Team Annual Report 2012*, pp4-5, 9

Chapter Four – Vehicle Standards

- 4.1 In this chapter the Committee examines the design and operating requirements for various types of non-registered motorised vehicles, the role of manufacturers and distributors, compliance with safety standards and whether non-registered motorised vehicles should be regulated, possibly through the implementation of licensing and registration.

VEHICLE DESIGN AND OPERATING REQUIREMENTS

- 4.2 In the section below, the Committee looks at the design and operation of various types of non-registered motorised vehicles, including issues such as suggested improvements to design, safety features, vehicle speed and weight limits.
- 4.3 It is relevant to note that Australia's National Road Strategy includes consideration of further regulation of speed and other safety features of powered alternative vehicles (such as mobility scooters and power-assisted bicycles). Implementation is progressing through an Austroads project on alternative vehicles.¹⁶⁰

Quad bikes

Problems with vehicle design

- 4.4 Evidence presented to the inquiry indicates that quad bikes are inherently risky due to their design. Most quad bikes do not have a differential, which adjusts the relative speed of wheels when cornering to counteract the fact that outer wheels travel further when turning a corner. Drivers must adjust their weight to shift the line the quad bike takes when cornering and this can be difficult, particularly as vehicle speed increases and/or if the rider has restricted mobility, for instance through infirmity or age. According to the NSW Government, the need for driver interaction makes quad bikes unsuitable for people who have difficulty walking.¹⁶¹
- 4.5 The performance characteristics of quad bikes mean that users are often tempted to take them off dedicated roads or tracks and unwittingly use them on inappropriate terrain, which causes them to overturn. Although quad bikes have a limited load capacity, they are often laden with equipment which raises their centre of gravity and increases the load over the rear. This results in a tendency to overturn and flip over backwards. Quad bikes do not offer any protection for the rider in collisions with another vehicle.¹⁶²

¹⁶⁰ Australian Government Department of Infrastructure and Regional Development, *National Road Strategy 2011-2020*, p77, viewed 24 January 2014, <http://www.infrastructure.gov.au/roads/safety/national_road_safety_strategy/index.aspx>

¹⁶¹ Submission 66, NSW Government, p17

¹⁶² Submission 66, NSW Government, p17

- 4.6 In its submission, the NSW Government states that: ‘the paradox is that the risks identified above are an integral part of the quad bike design, but nothing has been done to rectify this problem to date’.¹⁶³
- 4.7 The Transport and Road Safety (TARS) Research Unit of the University of New South Wales noted the lack of an Australian Standard for the design and operation of quad bikes and called for the development of a standard which would cover requirements for lateral roll, rearward pitch and forward pitch stability, and handling or rollover propensity.¹⁶⁴

Rollover protection and safety equipment

- 4.8 The Committee received conflicting views about rollover protection for quad bikes. Some supported its use, while others argued that it inhibits rider control of quad bikes, through active riding.
- 4.9 TARS noted that quad bikes are designed with a short wheel base, relatively narrow track and high centre of gravity positions. This, when combined with the lack of a differential, results in ‘adverse handling characteristics, which are intended to be compensated by active-riding techniques’. Riders shift the position of their bodies to increase the stability of the bike during manoeuvring. TARS submitted that active riding is over-rated as a way to improve control of quad bikes, as analysis has shown that active riding techniques have limited benefits in terms of bike stability.¹⁶⁵
- 4.10 TARS proposed that practical, well designed rollover protection devices can better protect riders against serious injury in a rollover and other collisions:
- Such a system requires a lightweight but high strength structure that protects the occupant survival space, together with a high backed seat with side bolsters, and seatbelt system to effectively restrain the occupant within the protected zone.¹⁶⁶
- 4.11 TARS argued that rollover protection systems fitted to quad bikes reduce stability because of the way quad bikes are currently designed. In order to regain stability, quad bikes would require increased track width or a lower centre of gravity height.¹⁶⁷
- 4.12 Moreover, there has been ‘a decade long ‘impasse’ between manufacturers and end users of ATVs in terms of advancing vehicle safety technology.’ The quad bike industry has argued that rollover protection systems can cause more injuries, basing this claim on computer simulations undertaken by researchers. However the author of the research and other researchers have questioned this claim.¹⁶⁸
- 4.13 Mr Michael Savage, Roads and Transport Directorate Manager with the Institute of Public Works and Engineering – NSW Division (IPWEA – NSW) commented that

¹⁶³ Submission 66, NSW Government, p17

¹⁶⁴ Submission 60, Transport and Road Safety Research, University of New South Wales, p26

¹⁶⁵ Submission 60, Transport and Road Safety Research, University of New South Wales, pp11-12

¹⁶⁶ Submission 60, Transport and Road Safety Research, University of New South Wales, pp11-12

¹⁶⁷ Submission 60, Transport and Road Safety Research, University of New South Wales, pp11-12

¹⁶⁸ Submission 60, Transport and Road Safety Research, University of New South Wales, pp11, 13

the overwhelming majority of quad bikes lack rollover protection, meaning that 'once they roll over, you have got a tonne of bike sitting on top of you, which is not good'. Mr Savage supported design features such as roll cages or bolts that attach to the rear of a quad bike, to protect quad bike operators from death and injury.¹⁶⁹

- 4.14 The Motorcycle Council of NSW expressed reservations about rollover protection. Mr Guy Stanford from the Motorcycle Council cited US Studies by motorcycle manufacturers indicating that roll bars can increase injuries, while acknowledging the alternative argument that roll bars limit quad bikes rolling and crushing riders.¹⁷⁰

- 4.15 Mr Christopher Burns from the Motorcycle Council of NSW highlighted practical issues with rollover protection devices, including the danger of colliding with overhanging branches, and the limitations they may place on active riding:

If you have got an ATV travelling along and you suddenly put a big hoop over the top of it and you go under a low-hanging tree it is going to cause an accident. Secondly, as described, they are active rider types of machine. You have to move around. When you are going around a left-hand corner essentially the rider has to lean in and keep the weight on the inside. If you have got a cage around you and you are strapped into that cage you cannot lean, therefore there will be more of a tendency for the weight to throw outwards and they could cause as many crashes as they save.¹⁷¹

- 4.16 Mr Stanford told the Committee that there are differences in the way that quad bikes are operated on farms as opposed to in recreational settings. Recreational riders tend to ride more quickly, are thrown further if there is a crash, and are more inclined to use protective gear such as helmets.¹⁷²

- 4.17 The Royal Australasian College of Surgeons suggested that consideration be given to the mandatory provision of speed limiters on quad bikes. The College also strongly supported mandatory use of horse-riding helmets and research into the design of an appropriate helmet specifically for quad bike use.¹⁷³

- 4.18 The Commission for Children and Young People voiced support for a requirement obliging young people to wear helmets and protective equipment at all times when operating a quad bike.¹⁷⁴

Development of a safety rating system

- 4.19 A research project sponsored by WorkCover NSW (the Quad Bike Performance Project) is underway to examine quad bike safety issues. The Project aims to provide farmers with a rating system to consider when they purchase a quad bike or side by side vehicle.

¹⁶⁹ Mr Michael Savage, Roads and Transport Directorate Manager, Institute of Public Works Engineering (NSW Division), Transcript of evidence, 24 June 2013, p5

¹⁷⁰ Mr Guy Stanford, Delegate, Motorcycle Council of NSW, Transcript of evidence, 24 June 2013, p30

¹⁷¹ Mr Christopher Burns, Delegate, Motorcycle Council of NSW, Transcript of evidence, 24 June 2013, p30

¹⁷² Mr Guy Stanford, Delegate, Motorcycle Council of NSW, Transcript of evidence, 24 June 2013, p30

¹⁷³ Submission 73, Royal Australasian College of Surgeons, p2

¹⁷⁴ Submission 42, Commission for Children and Young People, p5

- 4.20 According to TARS, the use of a rating system would improve farm and workplace safety by giving consumers a performance based safety rating system to help them choose a vehicle. The rating system 'is intended to help provide incentives to manufacturers and consumers to drive competition for improved safety for such vehicles, in a similar way to what has been achieved for automobile safety.'¹⁷⁵
- 4.21 TARS submitted that a performance based system, rather than prescription, would leave room for the development of a broader range of design enhancements relating to crash prevention and crashworthiness. It would enable standards for improved handling and reduced rollover risk through requirements for lateral stability; handling with reduced rollover propensity; and lateral, front and rear pitch crashworthiness.¹⁷⁶
- 4.22 A testing and rating program would also inform consumers, improve safety and encourage manufacturers to change the design of their vehicles:

While administrative control could possibly reduce the number of deaths and serious injuries occurring as a result of the use of ATVs, the removal or modification of a hazard will usually be more effective than any administrative control alone. Continued support for safety rating ATVs (Stars on Quads and SSVs) similar to the ANCAP [Australian New Car Assessment Program] system should be provided by state and federal governments. Consumers will then be able to consider which ATV provides the best safety risk outcomes in terms of purchase decisions. This will in turn cause manufacturers to consider technology design changes to their vehicles and compete with each other to secure market share.¹⁷⁷

Mobility scooters

Design standards

- 4.23 Due to the lack of specific design requirements for mobility scooters, electric wheelchair standards are applied to scooters. TARS submitted that the lack of design standards 'is likely to compromise the safe use of these vehicles'. According to TARS, the application of the standard for electric wheelchairs is 'problematic' as the vehicles are significantly different in their structure and technical design:
- There is an urgent need for rigorous studies that examine the design and safety features of various models of mobility scooters available in the market. Such studies will inform the development of specific standards for MMS in Australia.¹⁷⁸
- 4.24 Scooters Australia emphasised the inclusion of various factors in the development of new standards specific to mobility scooters. A factor to be considered is that the relatively small nature of Australia's scooter market means that specific design requirements would significantly increase the cost of

¹⁷⁵ Submission 60, Transport and Road Safety Research, University of New South Wales, pp14, 16; and Submission 66, NSW Government, p17

¹⁷⁶ Submission 60, Transport and Road Safety Research, University of New South Wales, pp14, 16; and Submission 66, NSW Government, p17

¹⁷⁷ Submission 60, Transport and Road Safety Research, University of New South Wales, p26

¹⁷⁸ Submission 60, Transport and Road Safety Research, University of New South Wales, p27

scooters.¹⁷⁹ Mr Peter Fraser, Managing Director of Scooters Australia, expressed concern at the potential impact on the cost of scooters of regulation that is inconsistent with international standards:

Because we import from different manufacturers in China and Taiwan, if legislators in Australia start making rules which are different to what is happening in the rest of the world the price here will go right through the roof. We are a really small market. About 10,000 to 12,000 scooters per year are imported into Australia. There are no figures on that but we know it is around 10,000 to 12,000. It is a really small market. If legislators here decide to make rules that are different to what is happening in the United Kingdom or Europe it will add a lot to the cost of scooters in Australia because they will have to make custom-made scooters just for this market.¹⁸⁰

- 4.25 Although there are no relevant Australian design standards, Assistive Technology Suppliers Australasia (ATSA) observed that the majority of scooters sold in Australia comply with strict European safety and quality standards.¹⁸¹
- 4.26 Vehicle design, quality and operation were common issues raised by scooter users taking part in an Australian Competition and Consumer Commission (ACCC) commissioned study on mobility scooter related injuries. Wide variability in design was perceived as a contributing factor to poor vehicle choice by some users.
- 4.27 Participants in the study suggested that compliance with manufacturing and design standards would address safety concerns and ensure that safety features, including speed capacity, reversing indicators, improved brakes, flags and lights, would apply to all mobility scooters. According to the study, users were strongly in favour of standard regulations for mobility scooters' operation 'to provide clear and consistent operating rules and help to reduce confusion and conflict between mobility device users and other community members'.¹⁸²
- 4.28 IPWEA – NSW stated that 'difficulties arise when vehicles designed for indoor use are used within the outdoor street environment.' The Institute referred to council reports of incidents involving three wheeled mobility scooters toppling over while users are crossing the road:

Rural Towns are full of uneven surfaces and sometimes have limited concrete paths. My opinion is that a stability standard needs to be applied, or simply the three wheeled version be removed from sale.¹⁸³

Speed and weight limits

- 4.29 Under NSW Road Rules and regulations, it is illegal to use a motorised mobility device (classed as a motorised wheelchair) capable of travelling more than

¹⁷⁹ Submission 22, Scooters Australia Pty Ltd, p4

¹⁸⁰ Mr Peter Fraser, Managing Director, Scooters Australia Pty Ltd, Transcript of evidence, 24 June 2013, p15

¹⁸¹ Submission 37, Assistive Technology Suppliers Australasia, p7

¹⁸² Monash University, Department of Forensic Medicine, *Targeted Study of Injury Data Involving Motorised Mobility Scooters*, 2011, p6, viewed 21 October 2013, <<http://www.productsafety.gov.au/content/item.php?itemId=985925&nodeId=aa8864219ef7ffd9896da173d0c90825&fn=Targeted%20Study%20of%20Injury%20Data%20Involving%20Motorised%20Mobility%20Scooters.pdf>>

¹⁸³ Submission 45, Institute of Public Works Engineering Australia (NSW Division), p9

10km/h on public footpaths or roads. There is currently no mass limit applied to this vehicle category. The Australian Road Rules Maintenance Group agreed in June 2012 to impose a 150kg mass limit on all motorised wheelchairs, while Austroads has recommended that speed limits on mobility scooters be reduced to 6km/h for personal and public safety reasons.¹⁸⁴

- 4.30 The Committee heard differing views about maximum speed and weight limits on scooters. Some inquiry participants called for better enforcement of the current 10km/h speed limit, while others raised difficulties with enforcement. Manufacturers and retailers advocate higher speed and weight limits, consistent with international standards and modern consumer requirements. Other witnesses and road safety experts pointed to the dangers of heavier mobility scooter users travelling at higher speed on shared footpaths and in potential conflict with pedestrians and other road users.

- 4.31 Ms Margaret Prendergast, General Manager of the Centre for Road Safety, argued strongly in favour of a speed limit under 10km per hour, due to the expected increase in use of mobility scooters:

We strongly believe that it has to be 10 or under. We are waiting for the finalisation of the Austroads work, but really with the fact of the growth of the mobility scooters that we expect, the fact that there is an ageing population and we have more elderly pedestrians as well, the dangers in the future could be such that we do look at lower speed limits.¹⁸⁵

- 4.32 Evidence indicates that the current speed limit on motorised scooters is avoided by some users who modify their devices. According to the NSW Government, scooters provided by EnableNSW are limited to 10km per hour to comply with NSW road rules. Some users, however, increasingly request machines with a higher maximum speed, resulting in mobility devices available for sale with a capacity to travel up to 17km/hour.¹⁸⁶

- 4.33 Occupational Therapy Australia – NSW submitted that speed limiters on mobility scooters that have a capacity to travel at higher speeds are increasingly overridden:

While there is a legal requirement to travel under 10 kph as mobility scooter users are considered a pedestrian, there are an increasing number of scooters available on the market that have the capacity to travel at more than 10 kph. Although suppliers may put speed limiters on these devices, these can be over-ridden and increasing scooter speeds are the discussion point on many websites.¹⁸⁷

- 4.34 Mr Charles Nicholson also noted that motorised mobility scooters have the capacity to travel at speeds up to 30 kilometres per hour and that some models are advertised and sold with these specifications. In terms of weight, he observed

¹⁸⁴ Submission 66, NSW Government, p24 and Transport for NSW, Answers to supplementary questions, 14 August 2013, p4

¹⁸⁵ Ms Margaret Prendergast, General Manager, Centre for Road Safety, Transport for NSW, Transcript of evidence, 28 June 2013, p30

¹⁸⁶ Submission 66, NSW Government, p9

¹⁸⁷ Submission 26, Occupational Therapy Australia – NSW, p5

that some scooters are advertised and sold as having an unladen mass over 150 kilograms, capable of carrying load weights up to 160 kilograms. He suggested that scooters should have a maximum speed of 10km per hour, and a weight no greater than 110 kilograms.¹⁸⁸

- 4.35 Evidence also suggested that enforcement of speed limits is problematic, as police cannot easily determine the top speed of a motorised mobility device.¹⁸⁹ Assistant Commissioner John Hartley, Commander of Traffic and Highway Patrol with the NSW Police Force, told the Committee of the difficulties with policing speed limits and the limited effectiveness of enforcement. He referred to a case involving a motorised scooter user who continued to ride their scooter after being warned and taken to court for riding unsafely on the road and footpath:

It is extremely difficult because how do you judge the speed? We can use a LIDAR device and every day police will be out there putting LIDARs on to elderly people in these sorts of cycles but I think the important part is that we have one prosecution in the Blue Mountains where a lady had about seven warnings for driving on the road and off the road doing about 14 kilometres an hour and was taken to court. She was given a section 10 but only because police had no other option but to do that because she would not accept the warning not to ride the vehicle. It was unsafe for her and more importantly was unsafe for the pedestrians.

That went before a court and a section 10 was issued but she is still riding the scooter and I still see her on a scooter so I do not know what the solution there is.¹⁹⁰

- 4.36 Ms Janelle Read suggested that motorised scooters could be equipped with speedometers so that users are made aware of the speed at which they are travelling.¹⁹¹
- 4.37 Several inquiry participants supported a ban on the sale of motorised scooters that have the capacity to travel at speeds above 10km per hour.¹⁹² The Pedestrian Council of Australia recommended a state wide speed limit of 10km per hour for all vehicles that are permitted to travel on footpaths, while noting that 'an engineered solution of governing these machines to 10 km/h would be far more effective than having to enforce a speed limit.'¹⁹³
- 4.38 The NRMA considered that the key point is whether scooters are used on roads or on shared footpaths. Mr Jack Haley, Senior Policy Adviser with the NRMA, stated that 'if the speed and the weight increase, then they become unsuitable to use on shared footpaths with pedestrians. Whether they then are suitable to use on public roads I think would be a subject for more debate.'¹⁹⁴

¹⁸⁸ Submission 1, Mr Charles Nicholson, p2

¹⁸⁹ Submission 66, NSW Government, p9

¹⁹⁰ Assistant Commissioner John Hartley, Commander, Traffic and Highway Patrol, NSW Police Force, Transcript of evidence, 28 June 2013, p29

¹⁹¹ Submission 41, Ms Janelle Read, p1

¹⁹² Submission 26, Occupational Therapy Australia – NSW, p5; Mr Charles Nicholson, Transcript of evidence, 5 August 2013, pp2-3

¹⁹³ Submission 39, Pedestrian Council of Australia, p2

¹⁹⁴ Mr Jack Haley, Senior Policy Adviser, NRMA Motoring and Services, Transcript of evidence, 24 June 2013, p74

- 4.39 According to TARS, it would be impractical for mobility devices travelling at speeds higher than 10km per hour to share footpaths with pedestrians. Professor Raphael Grzebieta, Professor of Road Safety at TARS outlined the potential dangers for pedestrians of collisions with scooters travelling at higher speeds:

If you increase speeds on footpaths then you will have interactions between pedestrians and whatever the device may be—bicycles, scooters, mobility scooters and so on. You have to be careful about when there is an impact. We found that any speed above 10 kilometres an hour becomes a problem. We did some engineering analysis on that and found that at 10 kilometres an hour you will be thrown roughly one metre, which is equivalent to tripping and falling. We know people die from tripping and falling. It is about the same risk. I am suggesting it should be 10 kilometres an hour.¹⁹⁵

- 4.40 The City of Sydney commented on the issue of increasing speed representing a potential danger: ‘as with motor-vehicles there may well be a “power war” with increasing speed capability’. While mobility devices are relatively safe at low speeds, as speed increases the results can be more serious. Manoeuvring a device at higher speeds is more difficult, and higher speed increases the potential to collide with pedestrians with greater force.¹⁹⁶

- 4.41 On other hand, Mr Christopher Sparks, Executive Officer of ATSA, commented that inconsistent and inappropriate speeds pose a more significant safety risk:

The road safety experts we have spoken to argue that the greatest risk is posed where there is an inconsistency in speeds. So if you have a scooter user or electric wheelchair user using a bike path, their slower speed is actually a bad thing in that context. Likewise, the tendency that we see of some scooter users driving at inappropriate speeds in crowded areas is a major problem.¹⁹⁷

- 4.42 While some submissions expressed concern at vehicles travelling at higher speeds, industry representatives advocated for increases in maximum mobility scooter speed and weight. Scooters Australia observed that the carrying capacity of the largest mobility scooters has increased from 136kg to 225kg to accommodate a rise in the weight of scooter users, putting ‘added strain on both the weight and power of scooters.’¹⁹⁸

- 4.43 Scooters Australia also argued that the current maximum 10km/hour speed restricts scooter performance, and is technically difficult to achieve as it is out of step with international standards and requires a reduction in motor power.¹⁹⁹

- 4.44 According to Scooters Australia, Australian standards should be consistent with European and United Kingdom standards, so that the cost of scooters is not inflated. Scooters Australia recommended an increased maximum speed of 12km per hour (with optional 6 km speed for smaller, portable models), and an

¹⁹⁵ Professor Raphael Grzebieta, Professor of Road Safety, Transport and Road Safety Research, University of New South Wales, Transcript of evidence, 28 June 2013, p25

¹⁹⁶ Submission 70, City of Sydney, p11

¹⁹⁷ Mr Christopher Sparks, Executive Officer, Assistive Technology Suppliers Australasia, Transcript of evidence, 24 June 2013, p49

¹⁹⁸ Submission 22, Scooters Australia Pty Ltd, p4

¹⁹⁹ Submission 22, Scooters Australia Pty Ltd, p4

increased maximum weight of 150kg to allow for larger batteries and more powerful motors, which would accommodate a higher weight carrying capacity.²⁰⁰

- 4.45 ATSA agreed that Australia should follow international standards, on the basis that ‘adherence to an accepted international standard eliminates the need for developing local specifications that can restrict choice and competition, and increase costs.’²⁰¹
- 4.46 The suppliers further argued that standards should not be too rigorous, as larger mobility scooters are essential in many situations including where there is a need to travel longer distances; in areas with steep or uneven terrain; and for very heavy or obese users. Features that lead to heavier and more powerful devices include power tilt in space seating; power seat recline; power elevating leg rests; power seat elevation; and ventilation trays.²⁰²
- 4.47 According to ATSA, an ‘unrealistically low’ weight limit for mobility devices would impact on people with disabilities, who may have to use devices that are not fit for their particular circumstances. A low limit – below 250kg – would mean a ban on the majority of devices, which are sold and safely used in many countries around the world. Furthermore, importers, manufacturers and retailers of devices breaching weight limits are at risk for selling products ‘that are essential to many people’s daily living activities.’²⁰³
- 4.48 Mr Sparks told the Committee that ‘the vast majority’ of Australian electric wheelchair users are breaking the law by using wheelchairs that substantially breach the current 110kg weight limit. He estimated that thousands of users in NSW could be in this category.²⁰⁴
- 4.49 With regard to speed, it was argued that prohibiting devices capable of higher speeds would substantially limit consumer choice and impact on competition among retailers.²⁰⁵

Safety features

- 4.50 Suggestions have been made to the Committee that mobility scooter riders should be required to use safety features, such as visibility flags, lights and helmets. Although flags and high visibility colours were put forward as useful ways to improve scooter safety, helmet use was considered less practical and difficult to enforce.
- 4.51 The use of high visibility colours and flags was supported as a way to enable easier identification of scooters by other road users.²⁰⁶ Scooters Australia

²⁰⁰ Submission 22, Scooters Australia Pty Ltd, p4

²⁰¹ Submission 37, Assistive Technology Suppliers Australasia, pp3-4

²⁰² Submission 37, Assistive Technology Suppliers Australasia, p8

²⁰³ Submission 37, Assistive Technology Suppliers Australasia, p9

²⁰⁴ Mr Christopher Sparks, Executive Officer, Assistive Technology Suppliers Australasia, Transcript of evidence, 24 June 2013, p44

²⁰⁵ Submission 37, Assistive Technology Suppliers Australasia, p8

²⁰⁶ Submission 13, Name suppressed, p1

submitted that the NSW Government should require all scooter owners to use a visibility flag when using their scooter on public thoroughfares.²⁰⁷

- 4.52 On the other hand, Mr Paul Versteeg, Policy Co-ordinator with the Combined Pensioners and Superannuants Association commented that while road safety measures such as lighting, flags and bright colours are a good idea, they may be problematic to enforce, and unnecessary given that older users would not be riding mobility scooters at night:

How well can they be policed, is my question. How necessary are they, given that certainly the older users of these devices are not likely to use them much at night in the dark. These are the considerations I would offer.²⁰⁸

- 4.53 Mr Nicholas Gainsford, Road Safety Officer at Port Macquarie-Hastings Council was supportive of high visibility colours and flags to improve the visibility of scooters but expressed reservations about helmet use in terms of compliance:

There is anecdotal evidence that, especially in towns that have front fences and hedges, someone who is backing out a car cannot see a scooter travelling along the footpath because it is lower. The flag gives you that extra bit of visibility. Obviously, from a safety perspective, helmets would definitely work when there are falls, but I have an issue with the compliance and the enforcement. ... Safety flags and vests are used, and I think someone commented...on the colour of the scooters as well. They can be a bit camouflaged if they are a darker sort of colour. Maybe they should have higher-visibility colours so that they are more visible, especially when they are on the road.²⁰⁹

- 4.54 Transport for NSW commented that compulsory helmets for mobility devices may be impractical and difficult to enforce due to the way in which the devices are used. The ACCC's Mobility Scooter Reference Group found that most injuries from scooters involve the rider falling off at very low speeds or while a scooter is stationary in the home environment. It was noted that it may be difficult to enforce helmet wearing in these environments. Transport for NSW submitted that data is required to demonstrate the need for helmet use and noted potential impediments including comfort and storage:

Crash data would be required to support helmet wearing when using a mobility device on footpaths. Some practical concerns raised include aesthetics, comfort and practicality for safely storing the helmet when the rider has dismounted from the mobility device at shopping centres and other destinations.²¹⁰

- 4.55 The NRMA noted that additional safety features including lights, pennants and reflectors could result in major changes to vehicle design and may impact on vehicle cost.²¹¹

²⁰⁷ Submission 22, Scooters Australia Pty Ltd, p2

²⁰⁸ Mr Paul Versteeg, Policy Co-ordinator, Combined Pensioners and Superannuants Association of NSW, p67

²⁰⁹ Mr Nicholas Gainsford, Road Safety Officer, Port Macquarie-Hastings Council, Transcript of evidence, 5 August 2013, pp15-16

²¹⁰ Transport for NSW, Answers to supplementary questions, 14 August 2013, p4

²¹¹ Mr Jack Haley, Senior Policy Adviser, NRMA Motoring and Services, Transcript of evidence, 24 June 2013, pp73-74

- 4.56 It is relevant to note that a mobility scooter usage and safety survey report indicated that most users (72%) employ at least one safety feature from a list of commonly used features such as flags, reflectors, lights, high visibility vests, and safety helmets. Visibility flags were the most commonly used safety feature.²¹²

Use of devices on public transport

- 4.57 The use of mobility devices on public transport was also considered as part of the inquiry. The point was made that there is a lack of clarity for mobility device users about whether they can use their devices on public transport, and that many devices are too large and heavy to be accommodated on current transport infrastructure.

- 4.58 In evidence to the Committee, Mr Sparks commented on this issue in the following terms:

The equipment that is excessively heavy can be a risk to infrastructure, particularly public transport. At the moment there is a team working on the new public transport disability standards. We are contributing to that debate. There is concern that if you get a very large person and a very large wheelchair and they are trying to get on a bus with a wheelchair access ramp, it could damage the ramp.²¹³

- 4.59 Evidence indicates that occupational therapists are uncertain about the nature of advice to provide to clients concerning the appropriate use of devices on public transport. According to Occupational Therapy Australia – NSW Division, some motorised scooter users believe they should be able to take their scooter onto a bus, or in a taxi, even though their devices do not fit on buses and cannot be secured in taxis. Some users try to take their devices onto trains, but they may be refused access by staff, as ‘the size of motorised scooters and associated baskets can limit access by other passengers, with scooters blocking the stairs and doors.’²¹⁴

- 4.60 Scooters are difficult to manoeuvre on some station platforms and can significantly impede access for other passengers in the smaller vestibule areas of interurban trains. Mrs Linda Elliott, Deputy Chair of the NSW Council of Occupational Therapy Australia, stated that ‘our members would welcome any guide that Transport for NSW might provide around what can and cannot go on public transport.’²¹⁵

- 4.61 Commonwealth Transport Standards identify service levels and actions that public transport operators and providers must fulfil to conform to statutory requirements by defining how buses, taxis, trams, trains, ferries and aircraft are to be made ‘accessible’. The Australian Government reviewed the Standards in 2011. The Government’s response to the review included the development of a

²¹² Mobility scooter usage and safety survey report, September 2012, p6, viewed 24 February 2014, <<http://www.productsafety.gov.au/content/item.php?itemId=996221&nodeId=275b9d64bad1829eea219e664ad8ab2b&fn=Mobility%20scooter%20usage%20and%20safety%20survey%20report.pdf>>

²¹³ Mr Christopher Sparks, Executive Officer, Assistive Technology Suppliers Australasia, Transcript of evidence, 24 June 2013, p46

²¹⁴ Submission 26, Occupational Therapy Australia – NSW, p4

²¹⁵ Mrs Linda Elliott, Deputy Chair, NSW Council of Occupational Therapy Australia, Transcript of evidence, 24 June 2013 p58

mobility device labelling scheme which would stipulate mobility device weights and whether their dimensions meet requirements for space, boarding, access paths and manoeuvring. The Accessible Public Transport Jurisdictional Committee is working to implement the review's recommendations, in consultation with the mobility aid industry, public transport industry and associated health sector.²¹⁶

Electric bicycles

- 4.62 Electric bicycles are exempt from registration, provided they have operable pedals. They are also subject to a 200 watt limit on power and a maximum speed of 35km per hour. Bikes without operable pedals that cannot be propelled without a motor are classed as motorcycles and must comply with the registration and licensing requirements applicable to motorcycles.²¹⁷

Vehicle classification and enforcement

- 4.63 Evidence received during the inquiry pointed to inconsistencies in the legal requirements and enforcement of regulations governing electric bicycles. Recent cases were cited in which electric bicycles with inoperable pedals were ruled to be bicycles because of their power output. A vespa-style motorised bike with a disconnected chain that could only be propelled by its motor was held to be exempt from registration and licensing requirements because it had a 200 watt motor. However in another case, a person was successfully prosecuted for riding this type of vehicle without registration.²¹⁸

- 4.64 According to the NSW Government, courts have commented that legal definitions can be complex for lay people to understand and advertising claims made by vendors about bikes' legal status can be misleading. Because of this, magistrates may in some cases find that a vehicle needs to be registered but not record a conviction for unregistered driving.²¹⁹

- 4.65 Motorised cycles are sometimes incorrectly labelled as having a capacity less than 200 watts so they can be sold on the basis that they do not require registration. Vehicles can also be modified after purchase to increase their speed and output.²²⁰

- 4.66 According to the NSW Police Force, labelling could overcome some of these difficulties. Assistant Commissioner Hartley told the Committee that standard labelling indicating electric bikes' power output would make prosecutions much easier:

We certainly need a standard identification on the device themselves—an engineer certificate or some device that says "This is less than 200 watts", and that would be quite simple for us. If it had no certificate then we could prima facie put them before a court and let the court decide. It simplifies it for us. It lets people know that if they

²¹⁶ Submission 66, NSW Government, pp41-42; and Australian Government Department of Infrastructure and Transport, *2012 Review of the Disability Standards for Accessible Public Transport 2002 (Transport Standards)*, Issues paper, November 2012

²¹⁷ Submission 66, NSW Government, p11

²¹⁸ Submission 66, NSW Government, p12

²¹⁹ Submission 66, NSW Government, p13

²²⁰ Submission 66, NSW Government, p25

try and implement a bigger instrument or bike they can be caught for it. I think that is one way we can clear it up.²²¹

- 4.67 As previously stated, it can be difficult to differentiate between, and enforce laws relating to, legal power-assisted pedal bicycles and other vehicles subject to registration and licensing laws, such as motorcycles. Motorcycle riders must have a licence, which entails age and novice licence restrictions, training, and demonstrated knowledge of road rules. Riders must wear a different type of helmet to that worn by a cyclist and this can be difficult to enforce if the legal status of the vehicle is unclear, potentially resulting in incorrectly issued infringements.²²²
- 4.68 The confusion in identifying whether a vehicle requires registration is particularly significant for disqualified drivers. The NSW Police Force reports that a number of disqualified drivers use motorised bikes (or mopeds with pedals) as an alternative form of transport, even though in many cases the pedals are inoperable, ineffective or disconnected.²²³
- 4.69 The rider of a vehicle can be charged with dangerous driving offences if their speed or driving causes death or grievous bodily harm. These offences also apply if the rider is under the influence of alcohol or drugs. The NSW Government observed that these are serious criminal offences with significant community safety risks and severe legal penalties for those convicted.
- 4.70 However, according to NSW Police 'a rider may not be subject to the alcohol and drug testing regime if their motorised vehicle falls outside the definition of a 'motor vehicle'. If a prosecution does not succeed because a vehicle is held to be a 'bicycle' and not a 'motor vehicle', costs may be awarded against police. Potential liability issues can also arise if a drug test is later found to be unlawful because the vehicle in question is not a 'motor vehicle'.²²⁴
- 4.71 Transport for NSW advised that there are identifiable differences between legal and illegal motorised bikes, and that the Department had offered to assist police with prosecuting suspected uses of illegal motorised cycles. According to Transport for NSW, many illegal motorised bicycles can be identified by features including the saddle's height and position relative to handlebars; the pedals being too far apart to enable smooth and efficient pedalling; and inappropriate gearing for the size of the wheels and the bike's weight. Differences between power assisted pedal cycles and motorised bicycles and mopeds are described in a Vehicle Standards Information document published by RMS.²²⁵
- 4.72 In terms of making identification of bike models easier, Mr Richard Musgrove suggested that RMS could produce a list of legal bike models that meet the 200

²²¹ Assistant Commissioner John Hartley, Commander, Traffic and Highway Patrol, NSW Police Force, Transcript of evidence, 28 June 2013, p34

²²² Submission 66, NSW Government, p12

²²³ Submission 66, NSW Government, p12

²²⁴ Submission 66, NSW Government, p13

²²⁵ Transport for NSW, Answers to supplementary questions, 14 August 2013, p15

watt output limit for enforcement purposes, and that illegal bikes could be recorded on a person's driving record.²²⁶

Speed and motor output limits

- 4.73 Several submissions expressed support for increasing the current maximum speeds and motor outputs for electric bikes.²²⁷ It was argued that current limits are out of step with international limits and unrealistic for modern conditions and hilly terrain. Some participants suggested a higher, 400 watt limit for electric bikes in country areas.²²⁸ Mr Gwyn Kemp contended that the current speed limit is inconsistent with the 45km limit on pedal cyclists and should be increased to 55km per hour. Mr Kemp also suggested that a cubic centimetre limit on petrol engines would be easier to police than the current wattage limit.²²⁹

Segways

- 4.74 As noted in chapter 2, Segways are classed as motor vehicles. However, as they do not meet required Commonwealth safety and performance standards they cannot be sold in Australia for on road use, and cannot be registered or used in NSW, except through an individual exemption from RMS. They may, however, be imported for off road use.²³⁰
- 4.75 The NSW Government considers that the design of Segways makes them inherently unsafe and unsuitable for use on roads and footpaths. Because of their lightweight design, lack of safety features and slow speed, anyone using them on the road would be vulnerable to faster and heavier vehicles. The lack of lights, reflectors, indicators and a horn increases this risk. Moreover, footpath use would represent a risk to other pedestrians, due to their weight and relatively high speed. This, combined with their limited manoeuvrability and difficulty in stopping in an emergency, compounds pedestrian risk.²³¹
- 4.76 Applications for their use as mobility vehicles have been declined by the Centre for Road Safety 'as the need to stand to use the Segway and the mode of steering by shifting bodyweight means it is inappropriate to class it as a mobility device.' According to the NSW Government, Segways are sometimes used for recreational tours or advertising on roads and footpaths, which can raise safety risks, as well as distracting motorists and obstructing pedestrians on footpaths.²³²
- 4.77 An alternative point of view was put by Mr Mark Walker, who considered that Segways should be permitted, on the basis that their speed can be limited to 10km/h and a brake could be added electronically. Mr Walker argued that Segways would be no more dangerous to pedestrians than a mobility scooter. He stated that Segways 'should be 'allowed'; provided they are fitted with an already

²²⁶ Submission 61, Mr Richard Musgrove, p2

²²⁷ Submission 46, Mr Peter Munday, p1; Submission 47, Name suppressed, p1; Submission 36, Mr Ronald Mackenzie, p1; Submission 50, ZBox Australia, p1; and Submission 43, Name suppressed, p1

²²⁸ Submission 32, Mr Charles Davies, p1

²²⁹ Submission 35, Mr Gwyn Kemp, p1

²³⁰ Submission 66, NSW Government, pp14-15

²³¹ Submission 66, NSW Government, p15

²³² Submission 66, NSW Government, p15

available 'stand-up' kit (that prevents them falling over when the user alights), and an 'automatic' brake such that they are braked and the brakes lock automatically when the rider alights.²³³

- 4.78 However, Ms Prendergast told the Committee that although some other jurisdictions permit Segway use she did not support their use on roads and footpaths due to their weight, speed and poor manoeuvrability, and the resulting danger to pedestrians:

We are very apprehensive about the potential to let a Segway onto a public road or a footpath. They are 54 kilos in weight and can travel 20 kilometres. If they encounter a pedestrian the outcomes will not be good. They are also very difficult to manoeuvre and balance; they need very strong physical prowess to be able to control them.

Our preference is to monitor the safety very closely before even having the discussion again here in New South Wales.²³⁴

ROLE OF MANUFACTURERS AND DISTRIBUTORS

- 4.79 The inquiry also considered the role manufacturers should play in vehicle design and safety improvements. A range of views was presented, including the suggestion that manufacturers should provide safety information to consumers, or that they should be required to fit improved safety equipment to devices. Accreditation of suppliers was also supported by some participants.
- 4.80 According to TARS, manufacturers have shown resistance to design improvements and alterations, such as rollover protection systems and crush protection devices for quad bikes. The Unit drew an analogy with improvements to motor vehicle design, stating that 'the auto industry, in many cases (with well-known notable exceptions, of course) seemingly and often actively resisted development and implementation of many safety technologies which are now not only standard but ubiquitous (e.g. airbags).'²³⁵
- 4.81 TARS supported the implementation of a star rating system for quad bikes as a way to overcome the deadlock created by manufacturer resistance. Professor Raphael Grzebieta told the Committee that consumers would benefit from the adoption of a rating system:
- We found in 1990 that the better way to go was to put stars on cars, let the manufacturers compete with each other. We have gone down this pathway with quad bikes and all-terrain vehicles: let the manufacturers compete with each other over safety and then the consumer benefits from that.²³⁶
- 4.82 Some inquiry participants argued that mobility device and quad bike suppliers should be responsible for giving consumers material containing safety warnings

²³³ Submission 6, Mr Mark Walker, p4

²³⁴ Ms Margaret Prendergast, General Manager, Centre for Road Safety, Transport for NSW, Transcript of evidence, 28 June 2013, p33

²³⁵ Submission 60, Transport and Road Safety Research, University of New South Wales, pp13-14

²³⁶ Professor Raphael Grzebieta, Professor of Road Safety, Transport and Road Safety Research, University of New South Wales, Transcript of evidence, 28 June 2013, p20

and information as part of the sale process. Assistive Technology Suppliers Australasia recommended that mobility device suppliers be encouraged to provide point of sale information on mobility scooter safety, such as the ACCC's brochure 'Help cut mobility scooter accidents'.²³⁷ The Committee discusses road safety education in detail in chapter 6.

- 4.83 The Commission for Children and Young People supported this view in relation to quad bikes: 'given the statistical evidence about risks to children from riding/driving quad bikes and other non-registered motorised vehicles, manufacturers should be required to provide safety warnings. This would be relatively inexpensive and quick to implement.'²³⁸
- 4.84 Other participants argued that retailers should be responsible for installing safety equipment and fittings such as flags, lights and high visibility colours to scooters prior to sale.²³⁹
- 4.85 Mr Sparks told the Committee that responsible suppliers are seeking to improve the industry. Such suppliers produce safety guides, train their staff in teaching elderly people on safe use of devices, and encourage consumers to consult an occupational therapist for advice on the device most suitable for their needs. He also advised that his organisation is working with the Department of Infrastructure to obtain pre-sales information on public transport requirements, so that consumers who use public transport know that their device complies with the space available on public transport.²⁴⁰
- 4.86 However, Mr Sparks also gave evidence of opportunistic suppliers who do not specialise in selling mobility devices and sell devices that breach Australian requirements and standards:

...if you look at where you can purchase scooters in Australia today it is not uncommon...where there will be a local flyer from the chainsaw and mower shop and he has got his latest chainsaws, a couple of good lawnmowers, a chipper shredder and three or four mobility scooters because he had some spare room in his container when he brought it out from China.

Odds-on they are not listed at the Therapeutic Goods Administration and they should not be sold as mobility scooters in this country, but it is difficult.²⁴¹

- 4.87 There is currently no accreditation for retailers of mobility devices. ATSA has received a federal grant to develop an options paper on supplier accreditation. Mr Sparks expressed support for the development of an accreditation system:

We have a view that, particularly where government money is involved, just as you get your pharmaceuticals through a chemist and that has some qualification and

²³⁷ Submission 37, Assistive Technology Suppliers Australasia, p4

²³⁸ Commission for Children and Young People, Answers to supplementary questions, 28 June 2013, p36

²³⁹ Submission 13, Name suppressed, p1

²⁴⁰ Mr Christopher Sparks, Executive Officer, Assistive Technology Suppliers Australasia, Transcript of evidence, 24 June 2013, p50

²⁴¹ Mr Christopher Sparks, Executive Officer, Assistive Technology Suppliers Australasia, Transcript of evidence, 24 June 2013, p50

accreditation, similarly, particularly at the complex end of the mobility assistive technology triangle, there should be some degree of accreditation.²⁴²

FEASIBILITY OF REGISTRATION

- 4.88 The proposal to establish a registration scheme for non-registered motorised vehicles was presented as a potential solution to some of the issues identified throughout the inquiry. In support of this proposition, the case was made that such a scheme would improve safety, enable assessment of the competency of vehicle operators, improve data collection on vehicle use and prevent illegal use of such vehicles. On the other hand, it was also claimed that registration is not required, would be costly, and difficult to implement and enforce.
- 4.89 Most of the evidence received regarding registration related to mobility scooters, quad bikes, and electric bicycles. As noted in chapter 2, mobility scooters are exempt from registration provided they are not capable of travelling at more than 10km per hour. Under Australian Road Rules, motorised wheelchairs that cannot travel over this speed have a mass limit of 110kg. Power assisted pedal cycles are also exempt from registration, while quad bikes can be conditionally registered for limited use on public roads.

Purpose of vehicle registration

- 4.90 Vehicle registration and licensing seeks to ensure that:
- Safe, compliant and identifiable vehicles are in use on NSW roads.
 - Vehicle owners have third party injury insurance in case of injury to other road users.
 - The registration scheme provides a funding source for ongoing development and maintenance of the road network.
 - Motor vehicle operators have the required skills and competencies to operate the vehicle type/s relevant to their licence class, in accordance with the road rules.
 - Licence holders are medically fit to operate the type of motor vehicle for which they are licensed.²⁴³
- 4.91 In terms of registration, the NSW Government observed that while safety is an important issue, it is also relevant to consider mobility and access, as well as the quality of life of non-registered motorised vehicle users:

Although safety objectives are paramount, issues about mobility, access and freedom of movement for users of non-registered motorised vehicles are also relevant. People with a disability and older people who require mobility devices should not be subjected to unnecessary compliance with registration, training

²⁴² Mr Christopher Sparks, Executive Officer, Assistive Technology Suppliers Australasia, Transcript of evidence, 24 June 2013, p50

²⁴³ Submission 66, NSW Government, p40

(licensing) and other requirements in order to be mobile, or have a better quality of life.²⁴⁴

Potential difficulties with implementation and enforcement

- 4.92 Evidence indicated that the cost of implementing a registration scheme for mobility scooters may outweigh any potential benefits. Mr Anthony Wing, General Manager of Efficiency and Effectiveness in the Policy and Regulation Division of Transport for NSW told the Committee that registration may not be the most cost effective way to improve the current system:
- ...we should probably remember that the full road registration and licensing scheme is designed to achieve a lot more things to deal with, for example, much heavier vehicles than mobility scooters, moving at higher speeds. There are a lot of extra costs involved in having the full scheme imposed. There will be the registration costs required, licensing and testing, there would be all those costs. There would be the cost of requiring some kind of identification plates, retrofitting mobility scooters so they could do all that. That would be a significant cost to impose on people, particularly those who are using these, to try and remain included within the community, just so we could achieve a couple of the elements of that scheme.
- I would suggest that the better thing would be to work out exactly what is required, whether it is insurance or some kind of driver training or rider training and design something which is a bit more fit for purpose than imposing the full costs of bringing people within the vehicle registration scheme.²⁴⁵
- 4.93 Additionally, licensing may not be appropriate for vehicles that are often operated by children, or used in off-road areas. The NSW Government observed that the minimum age for applying for a vehicle licence and registration is 16, as minors do not possess the cognitive skills required to operate a motor vehicle. This age limit would also need to apply if registration or licensing of such vehicles were to be considered. However, many owners of non-registered motorised vehicles are under 18.²⁴⁶
- 4.94 Furthermore, many non-registered motorised vehicles are used in areas such as parks, reserves, and shopping malls, which are not roads or road related areas, and where road transport legislation is not enforceable. According to the NSW Government, these locations will require other appropriate solutions to ensure safe interaction between pedestrians and non-registered motorised vehicle operators.²⁴⁷
- 4.95 The City of Sydney commented on the complexities raised by regulation and enforcement of offences for non-registered motorised vehicles. The Council observed that equity issues and the subjective nature of perceptions of safety make regulation difficult. Children can operate vehicles such as bicycles without legal responsibility under the age of 10. While children under 13 can ride on footpaths, once they turn 13 they are required to ride in traffic even though

²⁴⁴ Submission 66, NSW Government, p40

²⁴⁵ Mr Anthony Wing, General Manager, Efficiency and Effectiveness, Policy and Regulation Division, Transport for NSW, Transcript of evidence, 28 June 2013, p43

²⁴⁶ Submission 66, NSW Government, p40

²⁴⁷ Submission 66, NSW Government, p40

there is no requirement for instruction or competence. Although adults can be penalised, offences are generally limited to riding in a dangerous manner. Determining what constitutes safe riding is another factor that complicates regulation:

The regulation of riding cycles and PMD's is complex, because deciding what constitutes safe riding is for a large part self-determined. Whereas a confident and skilled rider may navigate safely at 30 km/h, an inexperienced rider may be safe at only 15 km/h. A pedestrian being passed by a PMD or cyclist at either speed may feel threatened or entirely comfortable. The subjectivity of the situation and the perceptions makes it extremely complex.²⁴⁸

- 4.96 The City of Sydney also noted that although speed limits apply 'there is no requirement to have a speedometer, so knowing whether or not you are exceeding a speed limit is beyond most people to judge accurately.'²⁴⁹
- 4.97 A further issue to be taken into consideration regarding licensing or other restrictions on the use of motorised scooters is the impact on disabled people's access to their community, social activities and services.²⁵⁰ Singleton Council submitted that while regulation is needed, it should not limit people's access to mobility scooters:

...that there should not be additional costs or barriers placed on people wishing to purchase a non-registered motorised vehicle, as those barriers could result in increased levels of social isolation; however some method of regulation, not necessarily registration, is essential.²⁵¹

- 4.98 The challenge of assessing people's capacity to operate mobility scooters has also been raised as a significant concern. Although there are restrictions and guidelines for medical conditions or disabilities for holders of a driver's licence, there are no such requirements for mobility scooter use. Occupational Therapy Australia – NSW observed that different skills are required to safely operate different types of vehicles and there is no research evidence to show that vision and health requirements similar to those in place for operating motor vehicles are necessary to safely use a scooter:

Occupational therapists report that a person whose medical or visual assessment may not preclude holding a driver's license may not be able to safely use a scooter. For example, a person who passes the visual acuity test may not be able to safely get off a scooter, causing it to tip over; or may not have the physical ability to steer the scooter with two hands on the handlebars.

Conversely, people with a visual impairment may learn to use visual aids in order to use a power wheelchair or mobility scooter safely at walking speed in a familiar environment. In these cases, training by a specialised mobility trainer is required.²⁵²

²⁴⁸ Submission 70, City of Sydney, p12

²⁴⁹ Submission 70, City of Sydney, p12

²⁵⁰ Submission 26, Occupational Therapy Australia – NSW, p3

²⁵¹ Submission 33, Singleton Council, p1

²⁵² Submission 26, Occupational Therapy Australia – NSW, p3

- 4.99 Occupational Therapy Australia – NSW argued that standardised, ongoing assessment using a standard assessment tool would need to be undertaken as part of any licensing scheme. The inclusion of medical and vision assessment for licence testing should not be viewed as sufficient to determine safe mobility scooter use and re-testing periods should be considered. Occupational Therapy Australia – NSW also raised the issue of exclusion criteria for people who are refused a driver's license and need to use a mobility scooter on the road, due to the absence of footpaths.²⁵³

Support for registration

- 4.100 A significant number of submissions supported a registration scheme for motorised scooters, electric bicycles and trail bikes.
- 4.101 Reasons advanced in support of registration included the provision of insurance in case of accidents, better regulation of vehicles and the identification of vehicles involved in accidents, particularly in case of injury or property damage. It was also noted that licensing and registration would enable vehicles such as scooters to be inspected by accredited dealers to ensure they are in good mechanical condition.²⁵⁴
- 4.102 Mr Darrell Landrebe called for easier identification of scooters, referring to a crash in which his mother was injured by a scooter driver who was not able to be identified by police:
- My mother, Maureen Landrebe was run down by a mobility scooter on the 14th Feb 2013 at Merrylands. It was a hit and run. Police were unable to identify the woman on the scooter due to no registration no, serial number etc.
- My mother sustained a broken arm and severe bruising and spent 6 days in Westmead Hospital. These scooters need a visible identification number so they can be held accountable in incidents such as these.²⁵⁵
- 4.103 Ms Frances Eyre also expressed support for registration of motorised scooters, with compulsory green slips, driver education and licensing, and a competency test.²⁵⁶ Ms A Hawkins, a resident in a retirement village, similarly supported regulation and medical assessment of scooter users' capability.²⁵⁷
- 4.104 Ms Janelle Read, who works as a Road Safety Officer, submitted that 'motorised vehicles such as scooters and wheelchairs should be registered, fitted with a speedometer and users should be assessed by medical authorities to ensure they have the skills to safely operate and manoeuvre the vehicles'.²⁵⁸
- 4.105 Ms Anne Shearer observed that while retailers can provide instruction and after sales assistance on device suitability and use, many devices are purchased second

²⁵³ Submission 26, Occupational Therapy Australia – NSW, p4

²⁵⁴ Submission 13, Name suppressed, p 1; Submission 5, Name suppressed, p1; and Submission 9, Name suppressed, p1

²⁵⁵ Submission 34, Mr Darrell Landrebe, p1

²⁵⁶ Submission 18, Ms Frances Eyre, p1

²⁵⁷ Submission 67, Mrs A Hawkins, p1

²⁵⁸ Submission 41, Ms Janelle Read, p1

hand or online, without even a user manual. According to Ms Shearer, registration would facilitate user education and allow the condition of vehicles to be monitored, as well as helping users obtain insurance and checking their health and ability to control the vehicle.²⁵⁹

4.106 Scooters Australia considered that registration would result in better awareness of road rules, as scooter users could be provided with the road rules during the registration process and would therefore be more aware of the rules relating to scooters.²⁶⁰

4.107 Another argument advanced in favour of registration of mobility scooters was that it would assist with data collection. According to Mr Michael Savage, Roads and Transport Directorate Manager at the Institute of Public Works Engineering, data that could be gathered through registration would be useful in terms of planning, as further information is required on the number and location of scooters in NSW:

There is a range of information that we really need. We need to know how many, where they are, and that would come from some sort of registration system. ... The very basic information that would come from some form of registration would be the number and where they are located, which would allow us to focus our planning. Instead of saying we are going to provide for these vehicles everywhere—and we know we cannot do that in New South Wales or Australia—we want to be able to say there is a concentration.

It would support that sort of focus and possibly provide a basis for additional funding to accommodate those sorts of uses. I think it is critical that we know.²⁶¹

4.108 Mr Savage supported a registration scheme involving an initial fee built in to the purchase of mobility scooters, while also noting that a modest annual fee would enable tracking of vehicles that are sold.²⁶²

4.109 Mr Brendyn Williams, the Institute's CEO, observed that in developing a registration scheme, it would be essential to maintain mobility access. He advocated registration fees that would reflect this priority:

The sorts of fee structure that might apply to that somehow needs to be subsidised or balanced by the fact that we need the information more than those users need to provide it, if you know what I mean. We do not want to preclude them from using these vehicles. We want to provide mobility access to the elderly and we want to have those other category types. Having some sort of system that can collect that information is far more helpful to us than perhaps the fee structure that might preclude them from providing information.²⁶³

²⁵⁹ Submission 44, Ms Anne Shearer, p1

²⁶⁰ Mr Peter Fraser, Managing Director, Scooters Australia Pty Ltd, Transcript of evidence, 24 June 2013 p26

²⁶¹ Mr Michael Savage, Roads and Transport Directorate Manager, Institute of Public Works Engineering (NSW Division), Transcript of evidence, 24 June 2013, p6

²⁶² Mr Michael Savage, Roads and Transport Directorate Manager, Institute of Public Works Engineering (NSW Division), Transcript of evidence, 24 June 2013, p7

²⁶³ Mr Brendyn Williams, Chief Executive Officer, Institute of Public Works Engineering (NSW Division), Transcript of evidence, 24 June 2013, p8

- 4.110 Other witnesses noted that a registration system would benefit local government in terms of planning for infrastructure needs. Mr Nicholas Gainsford, Road Safety Officer, Port Macquarie-Hastings Council, told the Committee that there is a lack of information about the number of scooters in use as there is no vehicle database or register. Registration 'would certainly aid local government in knowing the numbers and the locations. Then local government could look at putting the infrastructure in place.'²⁶⁴
- 4.111 Temora Shire Council supported mandatory registration of electric bikes and mobility scooters for a modest fee, with compulsory medical checks and attendance at educational workshops. The Council stated that scooter registration fees should be kept to a minimum, as scooters are important for the independence and healthy lifestyle of the elderly and mobility impaired.²⁶⁵
- 4.112 Mr Charles Nicholson was in favour of compulsory provisional registration of mobility scooters, noting that provisional registration is already in use for vehicles that do not comply with Australian Design Rules, including council mowers and tractors. This would mean that mobility scooters could be identified through a small registration number plate. In terms of licensing, Mr Nicholson supported a scheme with conditions on eligibility to use scooters, combined with age testing. He stated that there should be a medical need to use scooters and that medical competency should be required to drive scooters, similar to the requirements for maintaining a driver's licence over 80 years of age.²⁶⁶
- 4.113 Gosford City Council gave qualified support for registering mobility scooters and power assisted pedal cycles, stating that while the need for registration may be over-stated, if combined with an appropriate, recognised education and training program, a special vehicle registration category could provide several benefits.
- 4.114 Areas that were seen as benefiting from registration included managing or measuring the numbers and types of vehicles; third party and public liability insurance; providing education about scooter use; reducing the risk of incidents and crashes; and ensuring that only vehicles suitable for use on paths and occasional road use are permitted.²⁶⁷
- 4.115 Significant support was also expressed for the registration of non-registered motorcycles and quad bikes. The Federal Chamber of Automotive Industries' (FCAI) argued that the current limited use of restricted registration for recreational use of motorcycles should be expanded and aligned with Victoria's system.
- 4.116 The FCAI submitted that restricted registration would enable minimum rider training and vehicle standards to be set and enforced, as well as eliminating unlicensed, unregistered, noisy and unsuitable motorcycles from off-road tracks with public access, for instance in state forests. It was also argued that the

²⁶⁴ Mr Nicholas Gainsford, Road Safety Officer, Port Macquarie-Hastings Council, Transcript of evidence, 5 August 2013, p16

²⁶⁵ Submission 49, Temora Shire Council, pp1-2

²⁶⁶ Submission 1, Mr Charles Nicholson, p1

²⁶⁷ Submission 74, Gosford City Council, pp10-11

current system is too limited, does not meet the needs of recreational off-road motorbike riders and will result in continued illegal and unsafe use of unregistered motorcycles:

Without an expansion of recreational registration for motorcycles in NSW, many motorcyclists will continue to operate outside the current regulatory regime with implications for safe and responsible use of off-road motorcycles.²⁶⁸

- 4.117 Evidence was also received that recreational registration would help to address issues raised by illegal trail riding and assist with compliance.²⁶⁹ It was argued that unregistered trail bike riders operating in local community areas are a significant problem for police, with complaints taking up a great deal of police time. Recreational registration was supported as a way to resolve these issues by reducing the number of illegal riders, through the provision of dedicated, legal areas.²⁷⁰ Mr Robert Tollhurst further submitted that recreational registration would ensure that riders who currently do not contribute to the Greenslip scheme were paying something.²⁷¹
- 4.118 TARS supported further regulation of quad bikes, involving registration and licensing, citing a range of benefits. These included improving awareness of the potential risk of injury, providing the opportunity for insurance cover for injuries suffered in off road accidents, and requiring riders to undergo training in order to obtain a licence.
- 4.119 TARS further submitted that there should be a minimum age limit of 16 for drivers/riders, that no passengers should be permitted on quad bikes, and that a specially designed helmet should be developed for quad bikes and made mandatory. According to TARS, if registration and licencing are not adopted, mandatory training should be implemented, with training costs to be included in a vehicle's purchase price.²⁷²
- 4.120 In terms of bicycles, the Pedestrian Council of Australia supported a maximum speed limit of 10km hour, compulsory third party insurance and number-plates or some compulsory form of identification, and realistic enforceable penalties and demerit points.²⁷³

Arguments against registration

- 4.121 Although there was significant support for registration, a number of inquiry participants were not in favour of further regulation of non-registered motorised vehicles. The City of Sydney argued that regulation is not warranted, stating that

²⁶⁸ Submission 75, Federal Chamber of Automotive Industries, p1

²⁶⁹ Submission 12, Name suppressed, p1

²⁷⁰ Submission 11, Name suppressed, p1

²⁷¹ Submission 19, Mr Robert Tollhurst, p1

²⁷² Submission 60, Transport and Road Safety Research, University of New South Wales, pp20-21, 26, citations omitted

²⁷³ Submission 39, Pedestrian Council of Australia, p2

‘there is no identifiable need to further regulate the use of mobility scooters or motor assisted bicycles that comply with the current regulations.’²⁷⁴

4.122 Warringah Council argued that data on sales, hire, use, crashes or other road safety problems related to such vehicles is needed before any regulatory approach is implemented: ‘Such data is essential prior to any ‘knee jerk’ regulatory and potentially costly reaction to what may not be a real issue.’ The Council recommended that the Committee support responsible road and path etiquette and education as key enforcement points, rather than regulation.²⁷⁵

4.123 The Combined Pensioners and Superannuants Association agreed that regulation should be based on evidence and data ‘not perception and prejudice’.²⁷⁶ Mr Paul Versteeg, Policy Co-ordinator with the Association told the Committee that elderly scooter users should not be subjected to further regulation which is not based on evidence:

We should be really careful about introducing regulation, certainly of mobility scooters, which are our focus. Anything we do—anything policymakers and the Parliament does—should be based on evidence. The main reason I make that point, which is self-evident, is that older people—older drivers in particular—are adversely affected by policy that is current, which subjects them to health and on-road testing at certain ages in the absence of any evidence that would produce good results. In fact, the evidence is quite to the contrary. That is why I make the point about evidence-based policy development.²⁷⁷

4.124 Mr Mark Walker echoed this view. He stated that pensioners would not be able to afford the additional cost of registration, insurance and testing, and it should not be introduced ‘unless it can be proven that they are causing serious accidents that are creating a burden on the health system.’²⁷⁸

4.125 Marrickville Council also expressed concern that regulation would increase costs and disadvantage financially vulnerable mobility device users:

There is a concern that increased adherence to standards (perhaps some yet developed) usually results in increased costs to users either by product or registration, safety checks, licensing, insurance etc. Wheelchairs and mobility aids already have a large mark-up due to their perception as ‘medical equipment’. It would be of great concern if systems were adopted that required more processes and costs to be passed on to the end user who, if they have a disability and are Australian, are more likely to live in or near poverty than any other person in any of the 27 OECD nations.²⁷⁹

4.126 ATSA reiterated that licensing, registration and testing are not warranted given the minimal risk of injury associated with mobility devices:

²⁷⁴ Submission 70, City of Sydney, p12

²⁷⁵ Submission 24, Warringah Council, p3

²⁷⁶ Submission 31, Combined Pensioners and Superannuants Association of NSW Inc, p2

²⁷⁷ Mr Paul Versteeg, Policy Co-ordinator, Combined Pensioners and Superannuants Association of NSW, p66

²⁷⁸ Submission 6, Mr Mark Walker, p3

²⁷⁹ Submission 72, Marrickville Council, pp2-3

The low risk of injury from powered mobility devices has not justified an extensive program of assessment, licensing and ongoing reassessment. Sourcing powered mobility devices through an authorised, ethical supplier with the help of an independent occupational therapist ensures better safety outcomes for both the intended user and the broader community.²⁸⁰

- 4.127 Other inquiry contributors supported an approach whereby non-registered vehicles that can travel at higher speeds require registration while slower vehicles do not:

...as a community member I'd like to see two classes. My general view is that city life continually changes and the number of activities taking place on our parks, roads and footpaths is always increasing. Let's look after community safety but not add unnecessary regulation and complexity.

It is a well established community standard that bicycles can share other general road and park space. While sometimes dangerous, it is just another Australian outdoor pursuit. The risks are a part of life. For motorized vehicles that move about the same speeds (up to 40kp/h) a similar approach should be taken. This would cover motorized wheel chairs, electric scooters, battery assisted bikes, mobility scooters.

For quad bikes and other motorized vehicles that are faster than 40kp/h, they are much more similar to motorbikes. Their use and insurance should be registered in a way similar to motorbikes.²⁸¹

- 4.128 Registration and licensing of some vehicles was opposed on the basis that it would be costly to implement and that certain vehicles should not be permitted to travel on public roads. Mr Richard Musgrove argued that compulsory licensing of electric bicycles would be resource intensive and expensive and is unwarranted as these vehicles do not cause damage to property.²⁸² The NRMA submitted that vehicles such as Segways should not be registered or permitted on roads due to their design and lack of brakes, lights or indicators.²⁸³

Proof of exemption from registration

- 4.129 The Committee understands that it is resource intensive for police to deal with vehicles with questionable legal status, such as electric bicycles. If the rider of an electric bike claims they are exempt from registration requirements, it is not possible for police to verify and refute the claim on the spot.
- 4.130 Police have taken action under the *Crimes Act 1900* (NSW) in relation to unregistered or unlicensed and disqualified driving charges. Section 417 of the Act requires an accused person to demonstrate to the Court that their vehicle met the criteria for registration exemption. This approach has met with mixed success, and it can only be used once a matter is before the Court. According to the NSW Government, requiring proof of exemption from registration would be a more effective response to vehicles with questionable legal status:

²⁸⁰ Submission 37, Assistive Technology Suppliers Australasia, p3

²⁸¹ Submission 7, Name suppressed, p1

²⁸² Submission 61, Mr Richard Musgrove, p2

²⁸³ Submission 64, NRMA Motoring and Services, p1

It would be more effective (for all parties) if proof of status and registration exemption were available to police at the roadside.

Furthermore, section 417 does not assist at the roadside in terms of whether a random breath test may be conducted, whether the vehicle can be legally ridden on the road or footpath, and which road rules apply.

A significant amount of effort, time and money is being spent prosecuting or defending matters that, in essence, turn on the legal status of the vehicle. If the question of the vehicle's legal status has been resolved, riders will then be charged with the appropriate offence without wasting valuable court time and the offence or behaviour can readily be dealt with.²⁸⁴

- 4.131 A further issue raised by the NSW Government is the community perception that police do not enforce the law relating to electric bicycles, resulting in a lack of public confidence in the police and the law:

If the general public observes riders repeatedly avoiding prosecution for offences (such as driving on the footpath, disobeying traffic lights, driving while intoxicated or disqualified), this generates resentment and undermines public confidence in police and the law.²⁸⁵

- 4.132 The NSW Government submitted that 'successful enforcement of the law enables road and public safety objectives to be met. A simplification of the laws applying to non-registered motorised vehicles would aid police in undertaking this role.'²⁸⁶

Registration in other jurisdictions

- 4.133 Related versions of registration and licensing schemes operate in other jurisdictions. The Committee heard evidence regarding the United Kingdom's registration system and that operating in Queensland. Scooters Australia supported the United Kingdom's registration system for mobility scooters, as a simple, low cost and effective way to register scooters.

- 4.134 Under the UK system, while scooters that travel under 6km per hour are not required to be registered, there is a separate registration category for scooters that travel between 6km an hour and the maximum speed of 12km an hour. Under this dual registration system, more powerful scooters are registered and receive a registration sticker, but do not require number plates:

...the UK system is the preferable model. Here scooters are only required to be registered if they are capable of speeds over 6kph, and here the requirements ... do not include the need for any medical information on the user, which we consider is an invasion of privacy. The user is required to fill in a simple MOT form and send it to the relevant authority, without charge. Small portable scooters and those with maximum speeds of less than 6kph are not required to be registered. Those that are registered are permitted limited road use.²⁸⁷

²⁸⁴ Submission 66, NSW Government, p41

²⁸⁵ Submission 66, NSW Government, p41

²⁸⁶ Submission 66, NSW Government, p41

²⁸⁷ Mr Peter Fraser, Managing Director, Scooters Australia Pty Ltd, Transcript of evidence, 24 June 2013 p16; and Submission 22, Scooters Australia Pty Ltd, pp3, 5

4.135 In Queensland a motorised wheelchair or mobility scooter used on a footpath or road must be registered. The devices can be registered to an individual or an organisation (such as a nursing home, shopping centre, educational institution or hire company). To be registered, vehicles must have an electric motor; be designed and built for use by a seated person with mobility difficulties; have a tare weight of 150kg or less; and not be capable of travelling at more than 10km/h on level ground. There are no registration fees, transfer fees or compulsory third party insurance fees for motorised wheelchairs. Free CTP insurance is provided by the Nominal Defendant, if the motorised wheelchair is registered.²⁸⁸

4.136 There were mixed views on Queensland's registration system. Mr Sparks, commented on the limited efficacy of Queensland's system, particularly in terms of lack of compliance checking and tracking of vehicle ownership:

... With your motor vehicle you have a registration plate. The police nowadays have all the automatic software that identifies registrations and grabs you if your vehicle is unregistered, et cetera. There is no compliance checking in Queensland. Basically, once you have your device registered, it is registered. You can on-sell it to whomever you choose, if it is a wholly owned private device, and that is where it sort of falls off the visibility if you will.²⁸⁹

4.137 However, the Independent Living Centre Tasmania supported the Queensland model, arguing that it is a simple, comprehensive and effective system, which is easier for police to enforce:

...we think Queensland's approach could be the right one. It is clear, covers compulsory third party insurance, has procedures to regulate eligibility and use, and should improve safety levels for users and others around them. Furthermore, it does not impose on the licensing authority questions which it has to solve around how to register scooters (greater than 10 kph) for road use, and whether or not they comply with Australian Design Rules as road-using motor vehicles.

It also simplifies things for the Police Dept. They should not encounter any scooter in a public place which is not displaying registration plates and if they do, their response is defined in law.²⁹⁰

4.138 Other evidence supported the Queensland model of registration and licensing.²⁹¹ The Country Women's Association stated that Queensland's 'initiative should be copied in NSW which would make it safer for all members of the community – both the user and those dealing with the scooters.'²⁹²

²⁸⁸ Queensland Government Department of Transport and Main Roads, *Motorised wheelchairs*, viewed 24 February 2014, <<http://www.tmr.qld.gov.au/Registration/Registering-vehicles/Wheelchairs-and-small-devices/Motorised-wheelchairs.aspx>> Motorised bicycles are exempt from registration and compulsory third party insurance.

²⁸⁹ Mr Christopher Sparks, Executive Officer, Assistive Technology Suppliers Australasia, Transcript of evidence, 24 June 2013, p48

²⁹⁰ Submission 71, Independent Living Centre Tasmania, p4

²⁹¹ Submission 8, Mr Ray O'Flynn, p1

²⁹² Submission 17, Country Women's Association, p1

Support for national approach/consistency

- 4.139 Several inquiry participants argued that regulation or registration of non-registered motorised vehicles should be consistent across Australia.
- 4.140 The Independent Living Centre Tasmania noted the lack of consistency between the states in terms of registration requirements, and called for regulatory consistency across Australia:
- Confusion and uncertainty would be removed if requirements were uniform across all states with respect to road rules, definitions, vehicle standards and registration, law enforcement, driver licensing, insurance, supplier obligations.
- If resolution of anomalies is a goal it might need willingness by all states to pool their wisdom and standardise the rules.²⁹³
- 4.141 ATSA also emphasised the need for national consistency, recommending that any further regulation aimed at improving mobility scooter safety be consistent between states and territories:
- Inconsistent regulations between the states and territories cause confusion and are a source of frustration for users of powered mobility devices. At present if you purchase a device in Queensland that weighs 125kgs you should not use it in NSW or most other jurisdictions. There needs to be one set of regulations governing the use of these devices throughout Australia so that those who rely on the devices are able to use them legally regardless of where they are.²⁹⁴
- 4.142 The Institute of Public Works Engineering – NSW Division stated that ‘registration and regulation of these vehicles is one for consideration on a national basis.’ The Institute submitted that safety guidelines for mobility scooters, including driver capability, safe operating procedures and any effects on the Australian Road Rules, should be developed on a national basis.²⁹⁵
- 4.143 The current Austroads review of mobility scooters is aiming at national consistency, with Austroads considering a uniform scheme to nationally control the importation and use of the devices.²⁹⁶ Staysafe looks forward to seeing the results of this review.

²⁹³ Submission 71, Independent Living Centre Tasmania, p3

²⁹⁴ Submission 37, Assistive Technology Suppliers Australasia, pp10-11

²⁹⁵ Submission 45, Institute of Public Works Engineering Australia (NSW Division), pp10-11

²⁹⁶ Ms Margaret Prendergast, General Manager, Centre for Road Safety, Transport for NSW, Transcript of evidence, 28 June 2013, p36

Chapter Five – Insurance Considerations

- 5.1 This chapter examines a range of proposals to provide insurance for non-registered motorised vehicles. As well as looking at the situation in NSW, the Committee reviews schemes operating in other jurisdictions. Key issues addressed include gaps in the cover provided by the current CTP insurance scheme and other insurance policies, lack of user awareness about claims exposure resulting from accidents and the need for compulsory insurance for non-registered motorised vehicles.

COMPULSORY THIRD PARTY VEHICLE INSURANCE

NSW insurance scheme

- 5.2 In NSW, vehicle insurance and the motor accidents scheme is linked to vehicle registration. Compulsory third party (CTP) insurance is required for all registered vehicles. As part of the registration process, a Green Slip must be purchased by a vehicle owner from one of the insurance companies licensed to operate in the CTP scheme. The Green Slip insures the owner of the vehicle, or another person driving the vehicle, against liability for death or injury to a person caused by the driver (whether or not on a road), under the compulsory third party cover provisions.²⁹⁷
- 5.3 The CTP scheme is a fault-based scheme, meaning that those who are not at fault receive compensation for injuries suffered in a motor accident, provided they can prove they were not at fault. In 2010, the scheme was extended to provide all those who are injured in motor accidents (regardless of fault) with limited benefits of up to \$5,000 for early access to treatment and lost wages.²⁹⁸
- 5.4 As there is no Government subsidy to the scheme, costs are met by Green Slip premiums collected from vehicle owners by private insurance companies. CTP insurers set premiums based on their assessment of data and claims history. Premium prices reflect the cost and frequency of injury claims for vehicle classes (standard passenger vehicle, motorcycle, taxi cab) in rating districts based on geographical location.²⁹⁹
- 5.5 All motor vehicles that meet certain standards must be registered (and therefore insured) unless they are exempt from registration. Some vehicles that do not comply with Australian design rules and vehicle standards can be conditionally registered for limited access to the road network to perform specific functions. These include agricultural and construction vehicles, golf buggies, historic vehicles and hot rods participating in club events.

²⁹⁷ Submission 66, NSW Government, pp30-31

²⁹⁸ The Lifetime Care and Support Scheme is a no-fault element of the NSW motor accidents scheme which assists those who have been severely injured in motor vehicle accidents, regardless of who was at fault. See Motor Accidents Authority, *Annual Report 2012-2013*, p15, viewed 24 February 2014, <<http://www.maa.nsw.gov.au/default.aspx?MenuID=136>>

²⁹⁹ Submission 66, NSW Government, p31

- 5.6 CTP coverage for conditionally registered vehicles is sold by QBE Insurance on a tender basis and purchased from RMS when the vehicle is registered, covering use of the vehicle on roads or road-related areas, but not on private property.³⁰⁰
- 5.7 The NSW Bar Association submitted that this limitation means that owners of conditionally registered vehicles also require public liability insurance, in order to cover injuries occurring on private property.³⁰¹

Non-registered motorised vehicles

- 5.8 As noted in previous chapters, while some non-registered motorised vehicles are exempt from registration, others may be conditionally registered. The vehicle's registration status impacts on its insurance coverage.
- 5.9 Electric bicycles and motorised wheelchairs and scooters weighing less than 110kg and with a maximum capacity of 10km/h are exempt from registration and therefore do not require CTP insurance. Segways are prohibited from being used on roads and road-related areas and are neither eligible nor exempt from registration. CTP insurance is not required for Segways and there is no coverage for a person injured as a result of an accident with a Segway on a road or road-related area, unless they can show that the vehicle was capable of conditional registration. Trail bikes are also not covered by CTP.³⁰²
- 5.10 Quad bikes require conditional registration and CTP insurance. Conditional registration for quad bikes is only available provided: they are used in mostly off-road or off-road related areas with limited access to the road network; there is limited mixing with traffic on sealed roads; and the vehicle is floated between sites. As stated above, conditionally registered vehicles are only covered by CTP insurance for use on roads or road-related areas, not on private property.³⁰³
- 5.11 People injured in an accident involving an at-fault vehicle exempt from registration are eligible for benefits under the nominal defendant provisions of the motor accidents scheme.³⁰⁴ The provisions are discussed in detail in the following section.
- 5.12 Mr Andrew Nichols, General Manager of the Motor Accidents Authority (MAA), explained how the CTP insurance scheme operates in relation to accidents involving mobility scooters. If a person on a mobility scooter is injured by another vehicle, they are covered and can make a claim for their injuries, regardless of whether the vehicle which caused the accident was legal or not. However, as the system is fault-based, the situation is less clear when a mobility device causes an accident. Mobility scooters are exempt from registration provided they meet certain speed and weight limit criteria, as detailed previously in the report. A

³⁰⁰ Submission 66, NSW Government, pp31-32

³⁰¹ Mr Andrew Stone, Barrister, NSW Bar Association, Transcript of evidence, 24 June 2013, pp39-40

³⁰² Submission 66, NSW Government, pp32-33, 34

³⁰³ Submission 66, NSW Government, p34

³⁰⁴ Submission 66, NSW Government, pp32-33

person injured by an exempt scooter will be covered if the accident happened on a road or road-related area.³⁰⁵

- 5.13 According to Mr Nicholls, only a small number of claims for injuries relate to people who are on mobility devices. Very few injuries are caused by vehicles operating illegally, which are not covered by the scheme. Mr Nicholls also told the Committee that he was aware of several claims involving at fault motorised vehicles exempt from registration, in which the insurer involved had accepted liability and was processing the injury claims.³⁰⁶

Nominal defendant provisions

- 5.14 The nominal defendant provisions of the motor accidents scheme provide insurance cover for injury claims arising from accidents (on a road or road-related area) where the vehicle at fault is unidentified or unregistered, and therefore uninsured. In these cases, MAA acts as the nominal defendant, meaning that it stands in for uninsured at-fault drivers to enable those who are injured to make a claim for benefits.³⁰⁷
- 5.15 For instance, in the case of a hit and run incident the injured person makes a claim nominally against the MAA. The MAA then allocates the claim to one of the insurers that operate in the CTP scheme and the company processes the claim. During 2012-13, 75% of nominal defendant claims related to accidents involving unidentified vehicles and 25% related to uninsured vehicles.³⁰⁸
- 5.16 The costs of the nominal defendant scheme are borne by drivers who pay for CTP insurance. Vehicle owners who purchase insurance cover when they register their vehicle are therefore bearing the cost of nominal defendant claims. Mr Nicholls noted that 'any expansion of coverage that does not come with a requirement for that user to pay for insurance means effectively the rest of the community has to pay more.'³⁰⁹
- 5.17 Vehicles that are exempt from registration and conditionally registered vehicles are entitled to claim nominal defendant benefits. Other uninsured vehicles are also eligible for cover, provided they are:
- required to be and capable of being registered at the time of manufacture
 - capable of being registered at the time of manufacture with minor adjustments, or
 - previously capable of registration but no longer so due to disrepair.³¹⁰

³⁰⁵ Mr Andrew Nicholls, General Manager, Motor Accidents Authority, Transcript of evidence, 28 June 2013, p37

³⁰⁶ Mr Andrew Nicholls, General Manager, Motor Accidents Authority, Transcript of evidence, 28 June 2013, pp37-38

³⁰⁷ Submission 66, NSW Government, p 35 and Motor Accidents Authority, *Annual Report 2012-2013*, p16

³⁰⁸ Mr Andrew Nicholls, General Manager, Motor Accidents Authority, Transcript of evidence, 28 June 2013, p41 and Motor Accidents Authority, *Annual Report 2012-2013*, p16, viewed 24 February 2014, <<http://www.maa.nsw.gov.au/default.aspx?MenuID=136>>

³⁰⁹ Mr Andrew Nicholls, General Manager, Motor Accidents Authority, Transcript of evidence, 28 June 2013, p43

³¹⁰ Submission 66, NSW Government, p35

- 5.18 The NSW Government noted that the courts have highlighted the ambiguity of these provisions. Off-road motorbikes cannot be registered for on-road use without major adjustments. However the NSW Court of Appeal found that a motocross bike met the definition of a 'motor vehicle' for the purposes of a nominal defendant claim, as it was capable of being conditionally registered at the time of manufacture, even though it was not being used in accordance with requirements for conditional registration.³¹¹

Limits to insurance

- 5.19 Evidence highlighted the potential difficulties where a non-registered motorised vehicle involved in an accident does not meet the criteria for a nominal defendant claim. This applies if the accident occurs in an area that is not a road or road-related area, or if the vehicle involved is not exempt from registration.

- 5.20 Mr Andrew Stone, representing the NSW Bar Association, illustrated the complexity of the nominal defendant provisions in relation to mobility scooters. He referred to a case where a mobility scooter driven by a 90-year old man had turned a corner and collided with a worker on a platform installing traffic lights, knocking him off the platform. The scooter may have been capable of a speed of 15 km/hour and may have weighed 132kg, which means that it is not exempt from registration, and may not be eligible for cover by the nominal defendant:

That puts it outside the exempt from registration category. Arguably, that means that we—I act on behalf of the injured person—do not get to the Nominal Defendant, which may mean that we then consider whether this man has a home and contents policy or is he an impoverished aged pensioner. Do we then look at whether we can sue the people who sold him that bike? All I know is that I have a man with a badly busted arm after he got knocked off his platform. That case may well come down to arguments over speed and weight of the particular scooter concerned. Depending on that, there could be three or four different parties who might be responsible for this accident. That is complex.³¹²

- 5.21 The Committee heard evidence from Mr Charles Nicholson, whose wife was hit by a motorised scooter. Mr Nicholson told the Committee that his wife had been in hospital for seven weeks when he learnt that her medical costs and ongoing medical care had been allocated to GIO Insurance, through the nominal defendant provisions of the scheme: 'At the moment all my wife's medical expenses are being handled through the Nominal Defendant.'³¹³

- 5.22 Although his wife's care was covered by the nominal defendant, Mr Nicholson noted the potential difficulties that could arise if a person were hit by a scooter in an area that was not a road or road-related area, such as a shopping centre:

...the injured party would then have to go to an insurer, say, in a shopping centre—for insurance on public areas in a shopping centre they would have to go and fight them for medical care. If it was inside a shop itself it would be the operators of the shop and their insurers; the injured parties would have to go to those people and

³¹¹ Submission 66, NSW Government, p35

³¹² Mr Andrew Stone, Barrister, NSW Bar Association, Transcript of evidence, 24 June 2013, p36

³¹³ Mr Charles Nicholson, Transcript of evidence, 5 August 2013, p4

battle their insurance companies to get assistance with medical help. That could be difficult.³¹⁴

- 5.23 Mr Nicholls also noted the complexity of dealing with claims that relate to vehicles that may not be eligible for cover under the nominal defendant provisions:

...we are dealing, as you pointed out earlier, with vehicles that are not fitting within that definition. They have got higher speeds and so on. It becomes a challenge and an issue for the insurer to determine whether or not the vehicle was operating illegally or whether it was operating exempt from registration. That creates uncertainty for an insurer in terms of how they manage the claim.³¹⁵

Other jurisdictions

- 5.24 In Queensland, mobility scooters and motorised wheelchairs must be registered for use on public footpaths and roads. Registration and CTP insurance is free for these vehicles, provided they cannot travel at more than 10km/h, have a maximum tare weight of 150kg and are used by a sole operator who has submitted a medical certificate confirming their restricted mobility.³¹⁶
- 5.25 Insurance cover is provided through the nominal defendant, funded by a levy within the CTP insurance premium. The levy is calculated based on claim trends and as at 1 July 2011, the levy for Class 1 vehicles was \$12.35. Claims are managed by the Queensland Motor Accidents and Insurance Commission and payments are made from the Nominal Defendant Fund, whereas in New South Wales, nominal defendant claims are allocated to insurers proportionately to market share.³¹⁷
- 5.26 In South Australia, the motor accidents scheme is underwritten by the Government, and funded by CTP premiums paid as part of vehicle owners' motor registration fees. The Motor Accidents Commission provides motorised wheelchair users with third party injury insurance cover at no cost. Motorised wheelchairs can only be used on public roads or footpaths if they are not capable of travelling faster than 10 km/h, have an unladen mass less than 110kg, and if the user has a physical condition with a reasonable need to use the vehicle.³¹⁸

KEY ISSUES

- 5.27 The inquiry has highlighted a range of views about the current insurance regime for non-registered motorised vehicles. Some participants argued that the current system is adequate, while others favoured structural reforms. Such reforms include mandatory insurance cover and encouraging vehicle users to purchase

³¹⁴ Mr Charles Nicholson, Transcript of evidence, 5 August 2013, p7

³¹⁵ Mr Andrew Nicholls, General Manager, Motor Accidents Authority, Transcript of evidence, 28 June 2013, p41

³¹⁶ Submission 66, NSW Government, pp33-34; and Queensland Government Department of Transport and Main Roads, Motorised wheelchairs, viewed 5 February 2014, <<http://www.tmr.qld.gov.au/Registration/Registering-vehicles/Wheelchairs-and-small-devices/Motorised-wheelchairs.aspx>>

³¹⁷ Submission 66, NSW Government, pp33-34; and Government of South Australia, *South Australia's Compulsory Third Party Insurance Scheme 2012 Green Paper*, March 2012, viewed 5 February 2014, <http://www.treasury.sa.gov.au/CTPgreenpaper/downloads/ctp_green_paper.pdf>

³¹⁸ Submission 66, NSW Government, pp33-34

insurance products that would provide wider coverage than the nominal defendant provisions of the motor accidents scheme. These issues are discussed below.

Alternative insurance policies

- 5.28 There is currently a range of insurance products available for users of mobility scooters. According to Mr Peter Fraser, the Managing Director of Scooters Australia, comprehensive insurance cover can be purchased for around \$100 per year:

There is one company in Australia that does insurance for scooters. It is a terrific company based in Melbourne. It costs about \$100, \$120 a year; it is comprehensive and liability, so it covers accident, theft and liability to \$20 million. It is a good policy. We encourage all of our customers to use it if they want to spend the extra \$100, \$120, that kind of thing. I think it is a very good idea. My personal view is that it is a very good idea to take out that kind of insurance because it is cheap, it covers you for accidents, damage to your vehicle—if you crash it you can get it repaired, it covers theft and it covers liability.³¹⁹

- 5.29 The MAA advised that there are various types of insurance that may cover injuries, fatalities and damage as a result of using non-registered motorised vehicles. Sickness, accident, injury and life insurance could cover riders who sustain injury or death while driving the vehicles, while liability components of property insurance could cover injuries, fatalities and damage riders cause to third parties or property. Global public liability and other types of vehicle insurance could also be purchased by users.³²⁰

- 5.30 Gosford Council submitted that adequate insurance is available for non-registered motorised vehicles users, including insurance for power assisted pedal cycles and motorised wheelchairs/mobility scooters covering loss or theft; third party property on the road; personal injury to other individuals and for damage to a shop or other property while not on the road or road related area.³²¹

- 5.31 On the other hand, the Committee heard that some insurance policies may not provide adequate cover for vehicle users, or there may be gaps in the cover. The NSW Bar Association suggested that most elderly users of motorised scooters do not realise that, even if they have purchased public liability insurance, it may not cover them if they accidentally hit a pedestrian.³²² The Independent Living Centre Tasmania submitted that there is a lack of clarity regarding what is covered by insurance policies:

Users of non-registered scooters can insure them under a home contents policy but it is their responsibility to ascertain the extent of the cover and whether they have public liability cover for injury or damage they cause. Also pursuing insurance cover can be problematic as it is often not clear what is covered eg. Theft of the scooter itself may be covered but what about damage to third party property and injury to

³¹⁹ Mr Peter Fraser, Managing Director, Scooters Australia Pty Limited, Transcript of evidence, 24 June 2013 pp21-22

³²⁰ Motor Accidents Authority, Answers to supplementary questions on notice, 23 July 2012, p1

³²¹ Submission 74, Gosford City Council, p10

³²² Submission 28, NSW Bar Association, p3

persons? Is damage caused by a scooter any different from a person walking down the street damaging property or persons?³²³

- 5.32 The Committee heard that there is a gap between public liability insurance and CTP insurance cover for non-registered motorised vehicles, due to exclusion clauses in insurance companies' policies. These clauses limit public liability cover from applying to motor vehicles, and to circumstances where liability is otherwise covered by compulsory third party insurance.³²⁴ However, devices such as mobility scooters are not covered by CTP insurance.

Vehicle users' lack of awareness of insurance and liability

- 5.33 Many contributors to the inquiry expressed concern at scooter users' ignorance of the possible legal ramifications of accidents.³²⁵ The Independent Living Centre Tasmania stated that 'most people do not consider this aspect of ownership use when purchasing a scooter and it is not advice given to them by suppliers of new scooters or people selling second hand scooters.'³²⁶
- 5.34 Ballina Shire Council echoed this point, submitting that the insurance implications of injuries and fatalities sustained and caused by users of non-registered motorised vehicles require consideration.³²⁷ The NSW Bar Association recommended that the government undertake public education to inform the community of the injury risks associated with the use of motorised vehicles, and of the need for appropriate insurance to cover potential liability.³²⁸
- 5.35 The NSW Bar Association submitted that the increasingly wide range of motorised vehicles being used in public areas means that there is a 'double risk' associated with a lack of insurance cover for these vehicles should an accident occur: 'there is the risk for the injured party who is reliant upon the liquidity of the wrongdoer and there is the risk for the wrongdoer as to their assets. ... very few will likely have contemplated the fact that they could lose their home if uninsured and if accidentally causing serious injury.'³²⁹
- 5.36 Inquiry participants emphasised the importance of encouraging vehicle users to take out insurance cover. Mr Stone told the Committee that any motorised vehicles used in the public domain which have a capacity to cause injury should carry insurance. He argued that cases arising from mobility scooters mean that insurance is essential to protect users from claims arising from accidents:

...motorised equipment that can move at speed is going to cause injury. In my practice I deal with people injured in accidents. I have done cases of accidents involving trail bikes, including deaths. I have been involved in cases involving mobility scooters, quad bikes and forklifts. They are all things that injure, and injure badly. The second point is that where there is injury, invariably, in some instances,

³²³ Submission 71, Independent Living Centre Tasmania, pp2-3

³²⁴ Submission 28, NSW Bar Association, p3

³²⁵ Submission 44, Ms Anne Shearer, p1; and Submission 28, NSW Bar Association, p3

³²⁶ Submission 71, Independent Living Centre Tasmania, pp2-3

³²⁷ Submission 51, Ballina Shire Council, p2

³²⁸ Submission 28, NSW Bar Association, p4

³²⁹ Submission 28, NSW Bar Association, p3

there is going to be fault. It might be that the injured party is a pedestrian, a bush walker hit by a trail bike, a trail bike hit by another trail bike, people coming off quad bikes who were not properly supervised. I have done mobility scooter cases where they have run into or over other people and cases where mobility scooters have been hit by cars reversing out of driveways. Accidents happen. Where that does, you can expect there to be claims. That leads into the third point, which is that insurance is essential. If you do not have CTP insurance or public liability insurance, that ends up putting the owner of the vehicle's house or business on the line.³³⁰

- 5.37 Mr Stone also highlighted the importance of insurance in providing assistance for injured people and supported mandatory insurance to ensure that both people who cause accidents and accident victims are protected:

Speaking on behalf of somebody who has to act for the victims I would like it to be made mandatory so it is not an economic choice for people to choose not to insure. You have to remember that by and large the reason we have compensatory systems and why we have insurance is to look after people who get injured. That is a two-way street: It protects people who have assets who use the equipment and it protects victims. If you leave it as an economic choice you will have a large number of people who will make a poor choice either because they do not have the assets to otherwise pay for their hobby or because in most instances they want to believe that nothing bad will ever happen to them.³³¹

- 5.38 Mr Mark Walker emphasised that, in addition to third party cover, scooter users themselves require insurance cover for injuries they may suffer, observing that 'unless there is compulsory insurance for the rider, then the rider is not covered. As a community are we concerned that in the case of an unstable scooter falling over and injuring its elderly and frail driver, that they have no recompense other than the public hospital system?'³³²

- 5.39 Although most of the evidence received by the Committee focused on injury claims, Gosford City Council raised another aspect of under-insurance, observing that inadequate insurance has implications for Councils' claims for property damage caused by mobility scooters: 'Council is also concerned that without adequate insurance, our ability to claim damages to Council property by these devices is severely restricted.'³³³

Compulsory insurance cover

- 5.40 Compulsory insurance for non-registered motorised vehicles raises complex issues. There is debate about how the costs of such a scheme can be met and whether insuring some high-risk vehicles would be affordable and workable.
- 5.41 In supporting compulsory insurance for users of non-registered motorised vehicles, Mrs A Hawkins stated that insurance should be required to protect those who are hit by scooters, highlighting in particular the issue of accidents occurring off road:

³³⁰ Mr Andrew Stone, Barrister, NSW Bar Association, Transcript of evidence, 24 June 2013, pp35, 37

³³¹ Mr Andrew Stone, Barrister, NSW Bar Association, Transcript of evidence, 24 June 2013, p40

³³² Mr Mark Walker, Transcript of evidence, 5 August 2013, pp10-11

³³³ Submission 74, Gosford City Council, p10

...there should be compulsory insurance to cover the injury and health problems caused, to others, by the scooter users.

Another area where the scooter users cause a problem is in supermarkets and similar shopping areas. Once again, private property comes to the fore. Who is responsible if I should be injured by a scooter user in such a situation?

I believe registration of these vehicles is the only solution, although there would be an outcry from the disabled/partly disabled people who use them. I am 81 years of age, with significant mobility and health problems. I believe I should be adequately protected from users of non-registered vehicles. I do have insurance cover for accidents, but once 80 years of age is reached, the cover drops dramatically. At this age, an injury is likely to be more disabling than it would be to a younger person.³³⁴

5.42 Mr Nicholson also expressed support for compulsory CTP insurance for mobility scooter users. Mr Nicholson stated that a nominal fee (10% of current car CTP) could be paid by all scooter users, except for elderly users who should be exempt from the fee. He favoured the Queensland registration scheme, which provides insurance cover for mobility scooters.³³⁵

5.43 On the other hand, Mr Stone commented on the difficulties of ensuring adequate cover through a compulsory scheme for mobility scooters. He observed that mobility scooters are often resold and it may be difficult to claim on an insurance policy that was sold to a previous owner:

I certainly would not want to be put in the situation of acting for somebody who was injured or trying to find the insurer who wrote the premium five, 10, 15 or 20 years ago for a mobility scooter that has been through six hands and six sales on eBay over the intervening period. Whilst a number of mobility scooters are used by the young disabled you would have thought that there would be a group of them that would go through a high degree of turn-over because, to be frank, they are used by people in the last few years of their life as their mobility declines.³³⁶

5.44 Mr Stone stated that insurance would only be workable if all scooter users made contributions based on the vehicle's purchase price into a central fund which met all claims against that vehicle class. He observed that ensuring that enough money was collected to cover future liabilities would be an underwriting challenge.³³⁷

5.45 Mr Nicholas Gainsford, Road Safety Officer with Port Macquarie-Hastings Council noted that insurance cover is available for scooter users, and that scooter purchasers should be informed about insurance. He also discussed the difficulties with establishing who is at fault in accidents caused by scooters, which are frequently used on private property and in commercial spaces such as shopping centres. Finally, he reflected on the issue of imposing additional financial burdens on elderly scooter users:

³³⁴ Submission 67, Mrs A Hawkins, p1

³³⁵ Submission 1, Mr Charles Nicholson, p1; and Mr Charles Nicholson, Transcript of evidence, 5 August 2013, p6

³³⁶ Mr Andrew Stone, Barrister, NSW Bar Association, Transcript of evidence, 24 June 2013, p41

³³⁷ Mr Andrew Stone, Barrister, NSW Bar Association, Transcript of evidence, 24 June 2013, p41

Because of the nature of scooters they are used in enclosed spaces. I know shopping centres have the problem of people being injured—they are knocked over—in those enclosed spaces. It comes back to the liability of the user. And there is the legal perspective of who is at fault and where it happens. Did it happen on a road reserve? Did it happen on private property, in a public property or on commercial premises? Definitely, I think that insurance is an issue. Despite that, we do not want to impose added costs on scooters because, as we all know, the majority of people who use them are elderly or infirm, and they may be of limited financial means, and I do not think we should be trying to increase the burden on them.³³⁸

- 5.46 The Committee heard evidence about the potential impact of widening the current CTP scheme to include currently non-registered vehicles. The NSW Government commented that broadening the CTP scheme to include more vehicle types would add uncertainty to insurers' ability to estimate costs, which would impact on Green Slip prices. Insurers build uncertainty into their pricing, and uncertainty in vehicle definition adds to costs due to the time taken to resolve disputes and the potential cost of legal advice and legal proceedings.
- 5.47 According to the NSW Government, any new vehicle class entering the scheme would create pricing uncertainty, as risks must be estimated in the absence of accurate data for the actual claims experience for that vehicle class. The CTP price for a new vehicle class could be volatile for several years until the claims data has stabilised.³³⁹
- 5.48 The NSW Government submitted that 'certainty in defining vehicle registration and insurance classes would be a significant step to increase the premium pool by requiring motorists able to receive benefits from the Scheme to contribute, thereby sparing the remainder of the community the higher prices caused by pressure on the Nominal Defendant Scheme.'³⁴⁰
- 5.49 There were differing views on who should meet the costs of insuring users, with some support for a scheme whereby vehicle users pay for their own insurance cover. However there was also support for providing free insurance cover to elderly scooter users. This would mean insurance would effectively be funded by other vehicle owners' contributions to the compulsory CTP scheme.
- 5.50 Mr Fraser told the Committee that the typical cost of a mobility scooter is around \$3,000. He stated that his company would not oppose mandatory insurance for scooter users, as it would be a small addition to the purchase price of a scooter.³⁴¹
- 5.51 Mr Walker agreed that given the high cost of purchasing mobility scooters, a modest fee for insurance would not be a significant impost on users. He noted that a one-off payment for CTP insurance cover would depend on insurers' assessment of risk profiles:

³³⁸ Mr Nicholas Gainsford, Road Safety Officer, Port Macquarie-Hastings Council, Transcript of evidence, 5 August 2013, p16

³³⁹ Submission 66, NSW Government, p31

³⁴⁰ Submission 66, NSW Government, p36

³⁴¹ Mr Peter Fraser, Managing Director, Scooters Australia Pty Ltd, Transcript of evidence, 24 June 2013, pp21-22

I think the Committee needs to take into consideration the actual cost of these types of devices. You seldom see a new mobility scooter for sale for less than \$2,500 and they can range up to \$7,000 or \$8,000. If you are shelling out \$2,500, an extra \$100 for CTP insurance is not going to be a major concern. What I am suggesting is that you need to contact the insurers and asked the insurers ... whether someone is willing to tender for that business to provide that third party coverage for the life of the vehicle and therefore it can be a one-off payment so perhaps it needs to be \$250. But again we need the statistics for the assessors at the insurance companies to be able to say, "Okay, well, what is the risk profile? How do we cost that risk profile based on what is likely to happen?"³⁴²

- 5.52 In contrast, Mr Paul Versteeg, Policy Co-ordinator with the Combined Pensioners and Superannuants Association of NSW supported a free CTP scheme for scooter users over 65 as part of a registration system. He noted that scooter users would expect scooter registration to be free:

I probably would point to the fact that their car registrations are free. So they would have an expectation, I would imagine, that riding on these mobility scooters was not going to cost them money beyond repairs and power.³⁴³

- 5.53 The Occupational Therapy Australia – NSW also favoured free third party insurance for mobility scooter users and electric wheelchair users, consistent with the Queensland and South Australian systems.³⁴⁴

- 5.54 In relation to electric bicycles, the Committee heard evidence in support of insurance involving a modest fee. One inquiry participant who intended to ride a motorised bicycle was supportive of insurance coverage for a modest fee: 'I have concerns about the insurance implications of injuries and fatalities sustained and caused by motorised pushbikes and I am in favour of a small annual insurance fee to provide a pool of funds to compensate for pushbike accident or injury.'³⁴⁵

- 5.55 Mr Richard Musgrove, an electric bike user, also supported compulsory insurance for all bike users: 'a requirement that owners of all types of bikes both pedal power and, power assisted bicycles, must hold some form of insurance, that costs \$100 to \$150 per year. If a rider was pulled over and no insurance cover was held then the bike rider could be fined.'³⁴⁶

- 5.56 Another witness pointed to the potential complexities of insuring electric bicycles able to operate without a motor. It was argued that in practice all bike users would be required to pay an annual insurance fee due to the difficulties with implementing insurance solely for electric bike riders:

I ride my motorised petrol bike with engine engaged on flat ground and uphill but regularly turn off the engine when coasting downhill to save fuel, if I had to pay insurance then while coasting downhill I'd be uninsured because I would be only

³⁴² Mr Mark Walker, Transcript of evidence, 5 August 2013, pp10-11

³⁴³ Mr Paul Versteeg, Policy Co-ordinator, Combined Pensioners and Superannuants Association of NSW, p68

³⁴⁴ Submission 26, Occupational Therapy Australia – NSW, p6

³⁴⁵ Submission 29, Name suppressed, p1

³⁴⁶ Submission 61, Mr Richard Musgrove, p2

riding a bike with an engine as mere non-functioning, albeit temporary, attachment.³⁴⁷

- 5.57 Other evidence also called into question the viability of insurance cover for high-risk new vehicle categories entering the existing vehicle registration and CTP insurance scheme. The MAA has pointed to a number of issues raised by the suggestion to provide CTP insurance to recreational trail bike riders. The risks associated with these vehicles mean that entry into the scheme would not necessarily provide cheaper registration and insurance for trail bike riders:

The CTP Scheme provides full benefits to those injured by the fault of a vehicle that is eligible for registration, even if it is being used in breach of the conditions of recreational registration.

Accordingly, the full risk associated with the use of such motorcycles, notwithstanding the conditions of their use, must be taken into account in setting a CTP premium for a recreational registration vehicle class.³⁴⁸

- 5.58 In discussing the costs associated with insuring new high-risk vehicle classes, the NSW Government noted that costs may be so high for certain vehicles that other insurance options may be preferable:

Any new vehicle registration class will be costed for CTP insurance. There may, however, be unintended cost impacts for a particular type of vehicle entering the vehicle registration scheme. A situation could emerge where the cost [of] insuring high risk vehicles (high speed, high power, difficult terrain) is prohibitive in that insurance coverage for such a vehicle class is better organised outside of scheme through the purchase of personal liability insurance or a permit system for fulfilling specific functions.³⁴⁹

- 5.59 The City of Sydney observed that insurance companies may elect not to provide cover for high-risk vehicles that are essentially unregulated:

It is quite possible that the insurance industry would rate use of a PMD as a risky undertaking, and not provide cover. This is particularly true if there is no regulatory standard covering use, power, speed or weight. It is noted that cyclists generally have to seek third party insurance while cycling for third party protection if required.³⁵⁰

- 5.60 While there was some support for mandatory insurance, other evidence indicated that it should not be made mandatory until more evidence is gathered to support the need for such a scheme. Warringah Council observed that a cost/benefit analysis should be undertaken to consider the increase in costs for users and any administrative costs if such a scheme is implemented. The Council also considered that there is scope for insurance companies to offer add-on modules to current insurance policies for non-registered motorised vehicles.³⁵¹

³⁴⁷ Submission 47, Name suppressed, p1

³⁴⁸ Submission 66, NSW Government, p34

³⁴⁹ Submission 66, NSW Government, pp36-37

³⁵⁰ Submission 70, City of Sydney, pp11-12

³⁵¹ Submission 24, Warringah Council, p4

- 5.61 Further investigation by Transport for NSW and the MAA of insurance liability and coverage options for mobility devices was recommended by the City of Sydney. The Council observed that while it is up to individual road users, including scooter and electric bikes users, to obtain appropriate insurance cover, 'it is not entirely clear to many users how to obtain the appropriate insurance cover, nor is it clear that people with a disability could reasonably afford private insurance cover.'³⁵²

³⁵² Submission 70, City of Sydney, pp 11-12

Chapter Six – Road Safety Education

- 6.1 In this chapter, the Committee examines evidence received relating to two key areas, namely: building road safety awareness through education and training; and the assessment of users' skills and competencies to safely operate non-registered motorised vehicles. Current programs developed by local government and retailers are discussed, as are proposals to improve training and education through various mechanisms, including the possible licensing of non-registered motorised vehicles.

AVAILABILITY OF CURRENT EDUCATION AND TRAINING PROGRAMS

- 6.2 The section below outlines relevant road safety training and education programs developed by local councils and state government agencies and point of sale training provided by retailers. The chapter also canvasses the adequacy of these education and training programs and examines opportunities for further training.

Local and state government training

- 6.3 Local government has an interest in and a clear role to play in road safety initiatives and has long been active in this area. Holroyd City Council has established a project to collect usage data, aimed at improving road safety and access for motorised wheelchair/scooter users.
- 6.4 Blayney Shire Council has conducted a mobility scooter safety and education day, targeting community members and groups, as well as organisations catering to the needs of the disabled, frail or aged. The Council's Road Safety Officer ran a session for councillors, senior council staff and representatives from Youth Council and the Shire Access Committee to complete a course of the town in mobility scooters/motorised wheelchairs. The aim was to educate participants on the use of scooters and mobility aids, highlight issues faced by mobility aid users in manoeuvring around existing infrastructure, and provide firsthand experience of areas requiring future planning.³⁵³
- 6.5 The RTA funded a pilot project run by Parkes, Forbes and Lachlan Shire Councils on motorised wheelchair and mobility scooter safety, aimed at addressing the safety issues raised by increased use of these vehicles. This also provided a framework for the Councils to respond to relevant issues in terms of safer users, safer roads and safer vehicles. One of the major outcomes was to identify educational issues that would be of benefit to users.³⁵⁴
- 6.6 Several workshops have been conducted across Parkes, Forbes and Lachlan Shire Council areas, including free mobility scooter safety seminars during seniors' or disability week, aimed at current and potential scooter users and their families and/or carers. Speakers from NSW Police, a local occupational therapist, a

³⁵³ Submission 45, Institute of Public Works Engineering Australia (NSW Division), pp7-9

³⁵⁴ Submission 45, Institute of Public Works Engineering Australia (NSW Division), pp7-9

mobility scooter retailer and road safety officer discussed road rules, rights and responsibilities, a health perspective, safety tips, insurance and maintenance.³⁵⁵

- 6.7 The City of Sydney has run motorised scooter workshops covering areas including: road rules; safety of other pedestrians; general skills; rules relating to and effects of alcohol and other drugs; safe travel tips and the use of safety features such as flags, lights and mirrors.³⁵⁶ The council has also undertaken a presentation targeting users from non-English speaking backgrounds. The City of Sydney's road safety officer told the Committee that the presentations were popular and there had been requests for further such programs. The City of Sydney also provides free bike riding courses, which have been completed by riders on electric bikes.³⁵⁷
- 6.8 Wyong Council developed a motorised wheelchair information booklet in co-operation with other local councils. The booklets were provided to suppliers, community groups and aged care facilities. In more recent years, the Scooter Survival Guide, fluorescent seat covers, and safety flags have been distributed by Council and at seniors' events and general community events/workshops. In 2012 and 2013, half page advertisements promoting safety tips for motorised wheelchair users were printed in the Wyong Edition of the Central Coast Express Advocate during Seniors Week.³⁵⁸
- 6.9 Manly Council conducts Senior Road Safety Workshops, which include road rules, when to think about using a motorised wheelchair/scooter, and why people choose to travel in this way. The workshops have received positive feedback. According to the Council 'for the older generation the education campaigns and workshops seem to give them more information and knowledge when deciding if they want to use a motorised scooter/wheelchair.'³⁵⁹
- 6.10 Nambucca Shire Council's Access Advisory Committee has also run events to educate potential scooter users, with manufacturers/suppliers, and police and road safety officers. The council also has a scooter survival guide.³⁶⁰
- 6.11 To reinforce this approach, the state government funds road safety projects targeting non-registered motorised vehicles. In 2011-2012, over 39 pedestrian presentations were delivered in local government areas, with a further 15 addressing motorised wheelchair safety. In 2012, road safety officers delivered presentations in Ballina, Bankstown, Burwood, Camden, Canada Bay, Canterbury, Gosford, Goulburn-Mulwaree, Greater Queanbeyan, Greater Taree, Holroyd, Hornsby, Kogarah, Kur-ing-gai, Lane Cove, Leeton, Lismore, Maitland, Marrickville, Port Stephens, Rockdale, Sydney, Wollongong and Yass Valley Councils through the NSW Local Government Program.

³⁵⁵ Submission 45, Institute of Public Works Engineering Australia (NSW Division), pp7-9

³⁵⁶ Submission 70, City of Sydney, pp 10-11

³⁵⁷ Mr Leonard Woodman, Road Safety Officer, City of Sydney, Transcript of evidence, 24 June 2013, p64; and Submission 70, City of Sydney, pp10-11

³⁵⁸ Submission 53, Wyong Shire Council, p2

³⁵⁹ Submission 59, Manly Council, p3

³⁶⁰ Ms Coral Hutchinson, Manager, Community and Cultural Services, Nambucca Shire Council, Transcript of evidence, 5 August 2013, p20

- 6.12 According to the NSW Government, road safety projects funded by the Centre for Road Safety will continue 'to support local government education programs for older pedestrians and motorised wheelchair users.' Roads and Maritime Services publishes the Transport for NSW brochure 'A guide to motorised wheelchairs'.³⁶¹
- 6.13 Transport for NSW's Walking Safely presentation is run by council road safety officers. It contains advice on safe use of motorised wheelchairs/scooters in the local road environment and the road rules that apply to motorised wheelchair users. Topics covered include: crossing the road safely and within the road rules; travelling on a footpath or nature strip adjacent to the road unless it is impractical; not obstructing the path of a driver or another pedestrian; and safe travel tips on going straight up or down ramps or kerbs (not on an angle), not making sharp turns at full speed, avoiding steep slopes, and not stopping or dismounting on slopes.³⁶²
- 6.14 The Manager of the Centre for Road Safety told the Committee that the Centre was looking at delivering standardised mobility scooter use and safety programs targeting the elderly through council road safety officers. Transport for NSW is also considering the development of a point of sale information kit, such as a DVD, for the elderly when purchasing mobility scooters:

We really want to explore that in the coming year to look at what can we do to improve the information not only about all of the range of skills and competency issues they need to tackle, but also tips about road rules and interacting with other road users, et cetera, and having a very non-confrontational DVD that they can watch at home. What we do know from the older driver licensing space is that you need to engage with the elderly in a sensitive manner. You need to do it in an effective manner, not in a confronting manner. Therefore something they could have at the point of sale that they could absorb at home or a locally based workshop that they will come to and have a cup of tea is really the way to go in this space.³⁶³

Retailer training

- 6.15 Retailers and industry groups also undertake training and education for prospective buyers of vehicles such as mobility devices and quad bikes. Mr Peter Fraser, Managing Director of Scooters Australia, discussed the training his company undertakes as part of the sales process, while noting that retailer training is not widespread or uniform across the industry:

About 80 per cent of our customers buy out of the back of a van so they do not come to the premises. They ring up and we go out there. The reason we go out there is because they cannot get to the premises so we take a number of products out there and we demonstrate them. If they buy, then we train them. Every customer who buys from us gets training; it is about a half an hour little training thing. We have a whole lot of boxes that they have to tick. The staff have to tick all these boxes and the customer signs at the bottom saying that they have been trained by us. We hold the document to say that they have been trained by us. We were the first ones to do this and a couple of other retailers now do it but it is not a common practice.

³⁶¹ Submission 66, NSW Government, pp38-39

³⁶² Transport for NSW, Answers to supplementary questions, 14 August 2013, p11

³⁶³ Ms Margaret Prendergast, General Manager, Centre for Road Safety, Transport for NSW, Transcript of evidence, 28 June 2013, pp40, 44

It is by far the best place to do it. It is simple and it takes about half an hour. The sales process takes maybe an hour, half of which is just training them and making sure that they are capable.³⁶⁴

6.16 Mr Fraser told the Committee that training is not a financial burden for his company and expressed support for all retailers providing training as part of the sale process.³⁶⁵

6.17 Nambucca Shire Council praised the training and advice provided by a local retailer of mobility scooters, which developed a package for consumers that contained a number of publications covering relevant issues. Ms Coral Hutchinson, Manager of Community and Cultural Services with the Council told the Committee that this method of delivering training is a particularly effective way to educate potential mobility scooter users:

That is also a way that works very well. From what I saw from our involvement with that particular organisation, people are very open because they were looking at purchasing a mobility scooter, they were open to the concept of what may work best for them—how their battery operates, not to get stranded and also about their safety more generally. That has worked as well, I think.³⁶⁶

6.18 The Independent Living Centre Tasmania also supported education regarding mobility scooters being provided by retailers, stating that suppliers should be required to give information about safety, registration and other important matters.³⁶⁷

6.19 Singleton Council suggested that a checklist be provided at point of sale that includes information on whether the vehicle can be transported in a taxi, whether it is speed-controlled, as well as information on maintenance and contact numbers in case of vehicle breakdowns.³⁶⁸

6.20 Information regarding quad bike training for agricultural use is provided by most manufacturers. Evidence indicated that the training focuses on control of the vehicle and would be adequate for recreational use. While training is usually available in larger population centres, there is insufficient demand to support training in all regional areas.

6.21 Motorcycle and tractor dealerships that sell quad bikes will arrange training, provided they have staff who are qualified to deliver training.³⁶⁹ Mr Guy Stanford from the Motorcycle Council of NSW told the Committee that the issue of providing education and training at point of sale needs to be considered. He noted that situations can arise where the person who purchases the quad bike receives training, but the bike is also used by other members of the family.³⁷⁰

³⁶⁴ Mr Peter Fraser, Managing Director, Scooters Australia Pty Ltd, Transcript of evidence, 24 June 2013, pp19-20

³⁶⁵ Mr Peter Fraser, Managing Director, Scooters Australia Pty Ltd, Transcript of evidence, 24 June 2013, pp19-20

³⁶⁶ Ms Coral Hutchinson, Manager, Community and Cultural Services, Nambucca Shire Council, Transcript of evidence, 5 August 2013, p21

³⁶⁷ Submission 71, Independent Living Centre Tasmania, p3

³⁶⁸ Submission 33, Singleton Council, p1

³⁶⁹ Mr Guy Stanford, Delegate, Motorcycle Council of NSW, Transcript of evidence, 24 June 2013, pp29-30

³⁷⁰ Mr Guy Stanford, Delegate, Motorcycle Council of NSW, Transcript of evidence, 24 June 2013, pp29-30, 33

- 6.22 According to the Federal Chamber of Automotive Industries, the quad bike industry raises awareness of safety interventions both at point of sale and by publishing information online, including a list of training available for riders at specialist rider training centres, TAFEs and other recognised driver and rider training organisations.³⁷¹
- 6.23 Inquiry participants observed that education is also important in terms of raising consumer awareness. Marrickville Council considered that better consumer education would ensure that scooter users choose appropriate vehicles suited to their expectations and needs, which can change over time.³⁷²
- 6.24 Assistive Technology Suppliers Australasia (ATSA) pointed out that second hand sales and internet purchases mean that retailer training and customisation of vehicles cannot always be provided. Such purchases also do not enable assessment of an individual's capacity to operate a device, consideration of the environment in which they intend to use the device and the purposes of use. These factors will influence the trialling and selection of devices and programming the right device to a customer's capacity and local terrain. ATSA noted that internet sales can result in unsuitable devices being purchased.³⁷³
- 6.25 According to ATSA, the government should provide point of sale information for mobility device users to 'emphasise the value of purchasing from an authorised ethical supplier with the support of a qualified therapist and recommend routine maintenance of their device.'³⁷⁴

Further training requirements

- 6.26 Studies have suggested that scooter users do not receive sufficient training. Responses to a survey on mobility scooter usage and safety indicated that just over half (51%) of scooter users sought advice or assessment from mobility specialists when buying a scooter and only 25 % had safety training or tuition on their current scooter. Key providers of safety training were occupational therapists or other health professionals and retailers. Responses suggested that there is considerable variation in the quality and depth of safety training provided by retailers and suppliers.³⁷⁵
- 6.27 A study of motorised scooter injury and fatality rates emphasised training and education as a primary factor contributing to the safety of users. Key participants and scooter users suggested standardised training information be distributed at point of sale and on an ongoing basis in the community. Safe motoring in areas of

³⁷¹ Submission 75, Federal Chamber of Automotive Industries, p2

³⁷² Submission 72, Marrickville Council, p1

³⁷³ Assistive Technology Suppliers Australasia, Answers to supplementary questions, 1 July 2013, p2

³⁷⁴ Submission 37, Assistive Technology Suppliers Australasia, p4

³⁷⁵ Australian Competition and Consumer Commission, *Mobility scooter usage and safety survey report*, September 2012, p7, viewed 24 January 2014, <<http://www.productsafety.gov.au/content/item.phtml?itemId=996221&nodeId=275b9d64bad1829eea219e664ad8ab2b&fn=Mobility%20scooter%20usage%20and%20safety%20survey%20report.pdf>>

high mobility scooter use was identified as a topic requiring further consideration.³⁷⁶

- 6.28 Inquiry participants also pointed to a lack of training for users of non-registered motorised vehicles and that many users are unaware of relevant road rules.³⁷⁷ The NSW Government submitted that scooter users often demonstrate a lack of awareness of road safety and receive limited training on safe operation of vehicles, which presents a road safety risk:

NSW Police advice suggests that operators of these vehicles often do not stop to look out for traffic or give way at pedestrian crossings or traffic lights and obstruct other motor vehicles on the roads. Users are often elderly and physically vulnerable, which exacerbates the physical impact of any injuries they may receive. To this end, the Centre for Road Safety recommends operators fit their motorised mobility device with flags to improve visibility.

As users also generally receive little training in how to operate motorised mobility devices safely, the situation poses a genuine road safety risk.³⁷⁸

- 6.29 The Institute of Public Works Engineering Australia – NSW Division (IPWEA – NSW) echoed the view that many mobility scooter users are unaware of the rules covering their operation, as well as the limitations on the vehicles imposed by different environments. The Institute supported an educational program to instruct scooter users on the use of their vehicles, which would focus on safer users, safer roads and safer vehicles.³⁷⁹
- 6.30 The Committee heard that there is scope to improve current education and training, for example through catering to younger users and focussing on point of sale training. According to Transport for NSW, programs to date have largely targeted older people. The Department stressed that programs for younger people would be particularly important given that a mobility scooter survey indicated that a large proportion of mobility device users are under 60 years of age.
- 6.31 Transport for NSW also submitted that while local government education programs are an appropriate way to deliver safety messages and training for pedestrians and motorised wheelchair users, other channels, such as at point-of-sale of mobility devices should be considered.³⁸⁰
- 6.32 Gosford City Council expressed support for training for mobility scooter and wheelchair users, stating that ‘education is a vital part of improving the quality of life for users’. The Council expressed concern at the lack of accredited training providers to deliver training to first time mobility scooter users:

³⁷⁶ Monash University, Department of Forensic Medicine, *Targeted Study of Injury Data Involving Motorised Mobility Scooters*, 2011, pp5-6, viewed 21 October 2013, <<http://www.productsafety.gov.au/content/item.phtml?itemId=985925&nodeId=aa8864219ef7ffd9896da173d0c90825&fn=Targeted%20Study%20of%20Injury%20Data%20Involving%20Motorised%20Mobility%20Scooters.pdf>>

³⁷⁷ Submission 5, Name suppressed, p1

³⁷⁸ Submission 66, NSW Government, p8

³⁷⁹ Submission 45, Institute of Public Works Engineering Australia (NSW Division), pp9-10, 11

³⁸⁰ Transport for NSW, Answers to supplementary questions, 14 August 2013, p10

From time to time Council receives questions and enquiries from the community on information about motorised scooters and Council investigations have shown that no accredited trainers to run such programs exist.³⁸¹

- 6.33 According to Scooters Australia, many retail outlets do not provide training to new scooter owners as a matter of course and there is a need for locally based education schemes and training by retailers. Scooters Australia recommended that retailers be required to conduct training sessions with all new scooter owners and that local government be encouraged to play a greater role in educating users and non-users about the safety implications of scooters in the community.³⁸²
- 6.34 Transport and Road Safety (TARS) Research, of the University of New South Wales, observed that most quad bike sales are to people who do not undergo any training. Training was seen as beneficial in educating users on the risks associated with these vehicles and how to ride bikes to avoid common risks and hazards.³⁸³
- 6.35 The TARS research team undertook a rider training course as part of the Quad Bike Performance Project. Based on the training, the team concluded that a potential purchaser of a quad bike who undertook training before buying a bike may decide not to purchase the vehicle 'because of a better appreciation of the injury risk when operating such vehicles and recognition that alternative vehicles such as Side x Sides vehicles may be a much better choice as a farm work vehicle than ATVs.' The Quad Bike project team supported mandatory training with the purchase of new quad bikes, with the cost to be included in the purchase price.³⁸⁴

Training effectiveness

- 6.36 The efficacy of training in improving safety was also raised in evidence. The NSW Government noted that industry and retailer training has had little effect on the safety of quad bikes: 'Although the industry continues to recommend their traditional rider-education program as a remedy to the problem, they seem to be having little effect on safety. No Australian evaluations of these programs have been carried out.'³⁸⁵
- 6.37 The TARS Unit echoed this view. Quad bike preventive strategies in Australia have mainly focused on providing information and training, with manufacturers and industry opposing the introduction of protective structures targeting rollover prevention and crush protection. However, according to TARS, education and training has not met with much success.³⁸⁶
- 6.38 With regard to council run education, Ms Coral Hutchinson, Manager of Community and Cultural Services at Nambucca Shire Council observed that although local education sessions for mobility scooter users had been well attended, it can be challenging to secure people's attendance:

³⁸¹ Submission 74, Gosford City Council, p8

³⁸² Submission 22, Scooters Australia Pty Ltd, pp4-5

³⁸³ Submission 60, Transport and Road Safety Research, University of New South Wales, pp19-20, 26

³⁸⁴ Submission 60, Transport and Road Safety Research, University of New South Wales, pp19-20, 26

³⁸⁵ Submission 66, NSW Government, p29

³⁸⁶ Submission 60, Transport and Road Safety Research, University of New South Wales, pp16-17

I must admit, it is a challenge to get people there and it does tend to be the kind of activity where you preach to the converted or where somebody gets goaded into going like, "Come on, Pop, you really need to go to this because if you are going to get a scooter you need to work out what you need and you have to learn about them." We have been fortunate, reasonably well attended, but I do not necessarily think that is the be all and end all either.³⁸⁷

- 6.39 The Committee heard evidence about the elements of successful training. Gosford Council submitted that in order to be effective, mobility scooter training should be well planned and designed, and implemented through partnerships with local councils, police and retailers. The training should be delivered at a central location that is accessible to attendees on scooters, such as a local community centre or senior citizens centre.³⁸⁸
- 6.40 The NSW Government referred to a research project on mobility scooter use, which looked at a scooter education and training pilot program implemented in British Columbia. Although further research and evaluation was required, initial findings indicated that the model proposed for mobility scooter education could be used as a guide for learning activities for scooter users.
- 6.41 The project report suggested that training should cover: knowledge and skills on safe operation; road regulations and rules; insurance; operation in different pedestrian environments; scooter maintenance and storage; medication use; and the safe operation of a mobility scooter. A Code of Courtesy on good mobility scooter driving behaviour and etiquette and a practical component on basic safe manoeuvring were also proposed.³⁸⁹

COMPETENCY ASSESSMENT

- 6.42 A significant proportion of key organisations and mobility scooter users surveyed for the Australian Competition and Consumer Commission's (ACCC) 2012 mobility scooter survey were concerned about current gaps in assessment of new scooter users. Reassessment of existing scooter users' competencies was also raised as a specific area of concern, given the rapid changes that can occur to general health in older people (especially cognitive, visual, perception and motor skills). Views differed on how to address these issues.
- 6.43 Voluntary self-assessment done in conjunction with training was supported by some survey participants. In response to more formal assessment and certification of scooter users, participants raised questions about cost and potential to reduce access to motorised mobility.³⁹⁰
- 6.44 There is no requirement for standard clinical assessment of applicants for government funded mobility devices provided through bodies such as

³⁸⁷ Ms Coral Hutchinson, Manager, Community and Cultural Services, Nambucca Shire Council, Transcript of evidence, 5 August 2013, p21

³⁸⁸ Submission 74, Gosford City Council, p8

³⁸⁹ Submission 66, NSW Government, p27

³⁹⁰ Monash University, Department of Forensic Medicine, *Targeted Study of Injury Data Involving Motorised Mobility Scooters*, 2011, p5, viewed 3 February 2014, <<http://www.productsafety.gov.au/content/item.php?itemId=985925&nodeId=aa8864219ef7ffd9896da173d0c90825&fn=Targeted%20Study%20of%20Injury%20Data%20Involving%20Motorised%20Mobility%20Scooters.pdf>>

EnableNSW. However, safe use is one of the criteria for funding and, in applying for funding, occupational therapists provide information on the clinical assessments they have undertaken. The NSW Government noted that the ACCC's survey reported that only 41% of scooter users had input from an occupational therapist or other health professional when buying a scooter.³⁹¹

6.45 In relation to competency assessment, there was support for mandatory testing of scooter users from some inquiry participants, while others viewed it as an unfair imposition on elderly scooter users. Evidence indicated that retailer training and advice to purchasers of mobility scooters can cover medical issues that would impact on a user's ability to safely operate devices. Scooters Australia told the Committee that as part of the training the company provides, scooter purchasers are asked whether there is a medical reason why they should not be riding a scooter.³⁹²

6.46 However, it was argued that current retailer training is inadequate to assess mobility scooter users' competency. Eurobodalla Shire Council expressed concern that retailers had sold devices to vision impaired people and argued that 'there is a dire need for all intended users of motorised wheelchairs to be assessed by an occupational therapist.' The council was in favour of mandatory assessment covering risks associated with the use of prescription drugs and users' ability to operate the device safely, and a user competency and skills development course.³⁹³

6.47 Nambucca Shire Council also argued that capacity testing is needed, as the skills required to drive a motor vehicle are also required to safely ride a scooter, for instance, adequate vision and the ability to respond quickly.³⁹⁴ Ms Coral Hutchinson from Nambucca Shire Council stated that scooter users who cannot drive a car may not have the ability to drive a scooter. She expressed concern at the vulnerability of scooter users riding at 10km per hour and argued they need to be protected through some form of capacity testing:

You could be doing 10 kilometres an hour downhill in Nambucca Heads. You are classed as a pedestrian but a pedestrian needs to be running fairly flat out to be doing that kind of speed. So, you are extremely vulnerable. I think those people need protection...I believe we need something and I believe we need a capacity test as well.

I am not wanting to take people's mobility away, I think that is really important...But it is about people being safe themselves but also others around them as well being safe.³⁹⁵

6.48 Other councils agreed that some form of assessment may be required, given the growing use of unregistered motorised vehicles.³⁹⁶ Ballina Shire Council

³⁹¹ Occupational Therapy Australia – NSW, Answers to supplementary questions, p1

³⁹² Mr Peter Fraser, Managing Director, Scooters Australia Pty Limited, Transcript of evidence, 24 June 2013 pp19-20

³⁹³ Submission 57, Eurobodalla Shire Council, pp1-2

³⁹⁴ Submission 56, Nambucca Shire Council, p1

³⁹⁵ Ms Coral Hutchinson, Manager, Community and Cultural Services, Nambucca Shire Council, Transcript of evidence, 5 August 2013, p23

³⁹⁶ Submission 52, Orange City Council and Cabonne Shire Council, p2

suggested a certificate or statement from a doctor, occupational therapist or physiotherapist confirming that the user has a reasonable need to use a mobility scooter due to physical disability or limited mobility and that they are fit to operate the scooter.³⁹⁷

6.49 Occupational Therapy Australia – NSW made the point that the purpose of assessment would need to be determined in order to develop assessment criteria. For example, whether the underlying skills required to use a mobility scooter are being assessed (such as vision, cognitive functioning, physical functioning), or whether it is to determine competencies in using a scooter (such as driving forward and in reverse). In addition, consideration would need to be given to whether the assessment is determining the safety of people with disability, or licensing requirements for people who would be using a mobility scooter as an alternative form of transport. Assessment tools could then be developed through research, testing and validation.³⁹⁸

6.50 Some inquiry participants expressed reservations about mandatory assessment, on the basis that it would be resisted by the elderly and could limit people's access to mobility devices. Potential difficulties with implementation were also raised. Ms Margaret Prendergast, the General Manager of the Centre for Road Safety, commented on the possible resistance to mandatory competency assessment for elderly users:

If we mandate some form of competency, just knowing the experience I have from the older driver licensing, it will be very confronting and we might form an underground of people who just do not present somewhere. I believe the elderly deserve more respect.³⁹⁹

6.51 Marrickville Council expressed the view that competency should be assumed as a starting point, and that it should not be presumed that there is a safety risk associated with motorised scooters. The Council referred to the UN Convention on the Rights of Persons with Disabilities, under which the basic starting assumption should be that users of scooters (and similar items) are competent to use and operate them safely.

6.52 The Council acknowledged that in some cases people will be poorly suited to their mobility aid, especially if they are still adjusting to a reduction in their mobility and their reduced capability is age related and accompanied by reduced sight or hearing. However, according to the Council 'you can't presume everyone is unsafe to begin with as this is not true ... safety concerns must not override a person's rights when it has not been established what their individual capacity is or what the impact to them of any restrictions to their aids may be.'⁴⁰⁰

6.53 Mrs Linda Elliott, Deputy Chair of the NSW Council of Occupational Therapy Australia, told the Committee that it can be difficult to judge a person's capacity to operate a scooter safely. Occupational therapists can assess a person's ability

³⁹⁷ Submission 51, Ballina Shire Council, p1

³⁹⁸ Occupational Therapy Australia – NSW, Answers to supplementary questions, p1

³⁹⁹ Ms Margaret Prendergast, General Manager, Centre for Road Safety, Transport for NSW, Transcript of evidence, 28 June 2013, p44

⁴⁰⁰ Submission 72, Marrickville Council, p1

on a given day, but the ability to ascertain ongoing ability, particularly if someone is suffering from a deteriorating condition, is less certain. There are no standardised assessments to guide testing and there is a lack of evidence about the visual capacity required to safely operate scooters, which require different skills to driving a car.⁴⁰¹

- 6.54 Mrs Elliott also observed that mandatory assessment could limit people's access to mobility devices. In order to access a health professional, there may be waiting times in the public health system that will limit access, and there can be financial limitations as users may need to pay for an assessment. According to Mrs Elliott, the existing requirement for occupational therapists to assess people with a disability for their driver's licence is already limiting people's access to driving a car, as they cannot afford to pay the assessment fees.⁴⁰²

RAISING PUBLIC AWARENESS

- 6.55 There is a need to build awareness of non-registered motorised vehicles in the community. As previously canvassed, evidence has been received pointing to the importance of raising awareness about road rules specific to users of non-registered motorised vehicles.
- 6.56 Singleton Council stated that 'community-wide education is essential' to reach people selling and purchasing non-registered motorised vehicles, and also pedestrians, motorists, health and rehabilitation staff, and the community as a whole.⁴⁰³ Gosford City Council advocated education for all drivers by providing information on more vulnerable road users as part of licensing renewal or registration.⁴⁰⁴
- 6.57 Recent campaigns to build awareness have included a Road Rules Awareness Week and a 'Top 10' guide on NSW's most misunderstood road rules. Transport for NSW stated that it would continue to improve understanding of the road rules for the broader public and specific road user groups.⁴⁰⁵
- 6.58 Mr Nicholas Gainsford, Road Safety Officer at Port Macquarie-Hastings Council told the Committee that an educational campaign with a dual focus would be 'very pertinent and a good idea'. The campaign should raise awareness of scooters and the responsibility of drivers to take care around more vulnerable road users such as scooters and cyclists, as well as reinforcing the road rules applying to mobility scooters so that users obey those rules. Mr Gainsford suggested that the campaign be run by Roads and Maritime Services or Transport for NSW.⁴⁰⁶

⁴⁰¹ Mrs Linda Elliott, Deputy Chair, NSW Council of Occupational Therapy Australia, Transcript of evidence, 24 June 2013 p53

⁴⁰² Mrs Linda Elliott, Deputy Chair, NSW Council of Occupational Therapy Australia, Transcript of evidence, 24 June 2013 p53

⁴⁰³ Submission 33, Singleton Council, p1

⁴⁰⁴ Submission 74, Gosford City Council, p11

⁴⁰⁵ Transport for NSW, Answers to supplementary questions, 14 August 2013, p11

⁴⁰⁶ Mr Nicholas Gainsford, Road Safety Officer, Port Macquarie-Hastings Council, Transcript of evidence, 5 August 2013, p18

- 6.59 Evidence indicated that education would assist with clarifying the status of vehicles such as scooters. According to Mr Gainsford, there is a lack of community understanding about how mobility scooters are classified and what the rules are regarding their use:

I have numerous engagements with community organisations in terms of driving and also...in terms of mobility scooter use, and there is a lack of understanding of the regulations in terms of what they are classed as; it comes out all the time. There are a number of senior driver courses and they are not aware that scooters are actually a pedestrian. The majority of the public think they are an actual vehicle and then you have the problem of them on the footpath and they say, "Why are they on the footpath?" and you say, "They are allowed to be on the footpath because they are a pedestrian". I think some of that needs to be addressed ...

That is what I have found with people's concerns: they cannot differentiate between the two. The other problem is that as well they see the scooters on the road so they say, "Are they supposed to be on the road or are they supposed to be on the footpath?"⁴⁰⁷

- 6.60 Wyong Shire Council observed that there is a perception that users of motorised wheelchairs have the same rights as motor vehicles. According to the Council, 'increased community education among both riders of motorised wheelchairs and drivers of motor vehicles about rights and responsibilities may be beneficial.'⁴⁰⁸

- 6.61 Scooters Australia agreed, submitting that driver education on mobility scooter use 'is currently non-existent and may be responsible for some of the injuries associated with scooter use'. According to Scooters Australia, drivers should be made aware of safety issues associated with mobility scooters and their responsibilities through a public advertising campaign.⁴⁰⁹

- 6.62 The Committee received support for targeted campaigns covering key safety messages, developed through co-operation between local and state agencies and retailers. Transport for NSW noted that research on promoting safety messages to older pedestrians indicated that the best approach is through local programs with peers, in familiar surroundings such as retirement villages and seniors centres.⁴¹⁰

- 6.63 TARS submitted that there should be broad collaboration between RMS, local government and other agencies on the design and marketing of public awareness campaigns to highlight issues around mobility devices and vehicles, with co-operation across all tiers of government and from manufacturers:

Stakeholder ownership across all government tiers is essential for road safety gains. Involvement of manufacturers and dealers (i.e. scooters Australia) is also important

⁴⁰⁷ Mr Nicholas Gainsford, Road Safety Officer, Port Macquarie-Hastings Council, Transcript of evidence, 5 August 2013, p14

⁴⁰⁸ Submission 53, Wyong Shire Council, p2

⁴⁰⁹ Submission 22, Scooters Australia Pty Ltd, pp4-5

⁴¹⁰ Submission 66, NSW Government, p29

in order to make informed choices when taking the decision to purchase a particular type of mobility scooter and for education and training to occur at sales point.⁴¹¹

- 6.64 The IPWEA – NSW recommended a state wide framework that establishes the key messages, to be delivered through a campaign at the local level with retailer and local government involvement:
- ...education needs to happen. The retailers need to be involved in it, the local community and local government need to be involved in it. It does not make sense though if adjoining councils are going about it in a different fashion or have different standards. So from that point of view I think there needs to be a State—even better, a national—framework but implemented through the existing networks in local government, although State and local government.⁴¹²
- 6.65 In terms of strategies to build awareness about quad bike safety and the need for training to use quad bikes, TARS suggested that organisations such as WorkCover NSW, the Department of Primary Industries and farmers’ associations incorporate messages on quad bike safety in their advertising campaigns, and that safety advertisements be placed in rural newspapers. A requirement to provide vehicle manuals and safety brochures at the point of sale, and distributing safety brochures and safety rating information at farming and agricultural shows was also proposed.⁴¹³
- 6.66 The Royal Australasian College of Surgeons argued in favour of a public awareness campaign targeting quad bikes, focusing on the instability of quad bikes and the danger of children using the vehicles, as well as the severity of injuries to the head, spine, chest and pelvis associated with their use. Speed and age limits, and limiting use to off-road where collisions are avoidable were also suggested.⁴¹⁴
- 6.67 The Commission for Children and Young People also supported a targeted education campaign to dispel public and parental misconceptions about the causes of off-road crashes. According to the Commission, the community could be informed about the dangers of off-road quad bike use and that most incidents are not collisions but a result of losing control and falling off a vehicle. It was argued that a factual awareness campaign may spur parents to supervise their children and support the uptake of training.⁴¹⁵
- 6.68 The Commission’s young people advisory group considered that targeting information at groups such as recreational users and people using vehicles for farm work would be an effective strategy. The group supported common sense information rather than information about legal prohibitions. Information aimed at building young people’s competency and experience-based learning was

⁴¹¹ Transport and Road Safety Research, University of New South Wales, Answers to supplementary questions from 28 June 2013, question 3(i) and (ii)

⁴¹² Mr Michael Savage, Roads and Transport Directorate Manager, Institute of Public Works Engineering (NSW Division), Transcript of evidence, 24 June 2013, p7

⁴¹³ Transport and Road Safety Research, University of New South Wales, Answers to supplementary questions from 28 June 2013, question 2(iii)

⁴¹⁴ Submission 73, Royal Australasian College of Surgeons, p2

⁴¹⁵ Commission for Children and Young People, Answers to supplementary questions, question 4, p5

considered more appropriate and effective than books or other material. For recreational users it was suggested that information on vehicles and safety be obtained from retailers, provided through bike clubs to recreational riders and country shows or farmer's meetings to parents on farms. Targeted information in country schools or schools with agricultural programs was also raised as a possibility, as was a media safety campaign to highlight the dangers to parents, aimed at rural and regional television stations.⁴¹⁶

- 6.69 The Federal Chamber of Automotive Industries stated that the best way to make quad bike use safer is by raising rider awareness about factors that will improve safe use. For example: the need for training; helmet use while operating the bike; not carrying more than the prescribed number of passengers; not allowing children on adult sized bikes; appropriate use of vehicle for relevant tasks; and avoiding alcohol or drugs.⁴¹⁷

LICENSING REQUIREMENTS

- 6.70 There was significant support throughout the inquiry for improving road safety education and implementing competency testing for non-registered motorised vehicle users as part of a regulatory/licensing scheme for these vehicles. It was argued that a licensing regime could enable the assessment of users' skills and awareness of road rules and vehicle safety.
- 6.71 Liverpool City Council indicated that mobility scooter users themselves had expressed concern at the lack of competency testing. The Council's Access Committee works with the NRMA to deliver a program on motorised scooters, through which scooter users have the opportunity to raise relevant issues. According to the Council, some users have expressed concern that there is no formal test or authorising body to assess motorised scooter users' skills and abilities.⁴¹⁸
- 6.72 Other inquiry participants argued that a mobility scooter licence would ensure scooter operators have an understanding of the dangers to others when driving on footpaths or crossing roads, especially on pedestrian crossings. Licensing could verify user ability and fitness to operate the vehicle, as well as awareness of road safety on footpaths, pedestrian crossings and roadways. Skills to negotiate obstacles, cross roads and safely park scooters in all areas could also be tested.⁴¹⁹
- 6.73 Mr Mark Walker agreed that competency testing is needed, and could be managed by RMS, along the lines of learner and provisional driver licensing. Mr Walker told the Committee that the cost of licensing should not penalise pensioners and disabled people, as they have a limited income. He observed that the requirement for an annual medical certificate costing \$60 or \$70 could be a burden on pensioners.⁴²⁰

⁴¹⁶ Commission for Children and Young People, Answers to supplementary questions, question 4, pp4-5

⁴¹⁷ Submission 75, Federal Chamber of Automotive Industries, p2

⁴¹⁸ Submission 54, Liverpool City Council, p2

⁴¹⁹ Submission 13, Name suppressed, p1

⁴²⁰ Mr Mark Walker, Transcript of evidence, 5 August 2013, p9

6.74 Mr Charles Nicholson argued in favour of the Queensland system for ensuring medical fitness to operate mobility scooters, which occurs through a licensing scheme. Under the Queensland system, motor registries issue a certificate or licence once a medical certificate or a certificate of competency from an occupational therapist has been provided. Certificates must be provided annually to confirm that a vehicle operator has the ability and competency to operate the vehicle.⁴²¹

6.75 Some inquiry participants observed that previous education and training measures had been ineffective because they were not part of a licensing scheme. TARS stated that education and training for quad bike users has failed, as there is no licence associated with the training. According to the Unit, the voluntary nature of training creates the impression that quad bike training is unnecessary and the vehicles are easy to operate:

The failure of previous attempts at education and training we believe is largely because there is no mandatory requirement to do so nor any requirement regarding their use, i.e. no licence associated with driving them. This inadvertently sends a message to purchasers and users of these vehicles that they are easy to use and do not require any specific training. This means that many people purchasing these vehicles will believe that they are fulfilling all requirements for their use such that they are unlikely to seek out information about their use and may even consider it a waste of time learning how to ride either a Quad Bike or SSV. If there was a licensing scheme similar to road vehicles, regulators could impose mandatory training and the message would be sent to users that these vehicles require training and cannot be used safely without it.⁴²²

6.76 Orange City Council and Cabonne Shire Council argued that education in itself has been an inadequate policy response to issues raised by mobility scooters. The Councils noted that even though they have undertaken workshops and developed educational resources, these measures have had a limited impact on injuries and fatalities in the absence of more formalised regulation:

A number of Councils in NSW have promoted Scooter Safety Workshops and developed education resources for mobility users as no formal education, training or licensing currently exists for users. All attempts at self-regulation to protect vulnerable road users has had limited success and fatal and injury crashes continue to occur. The lack of policy allows people who have never had a drivers licence to use the mobility scooter as a transport option without any knowledge of Australian Road Rules.⁴²³

6.77 Scooters Australia submitted that if registration were recommended by the Committee, training should be a mandatory condition of scooter registration. Scooters Australia was supportive of training held jointly by councils, device suppliers and health professionals.⁴²⁴

⁴²¹ Mr Charles Nicholson, Transcript of evidence, 5 August 2013, p6

⁴²² Transport and Road Safety Research, University of New South Wales, Answers to supplementary questions from 28 June 2013, question 2(i)

⁴²³ Submission 52, Orange City Council and Cabonne Shire Council, p1

⁴²⁴ Scooters Australia, Answers to supplementary questions, 4 July 2013, p1

- 6.78 ATSA stated that ‘suppliers cannot be responsible for guaranteeing an individual’s capacity to operate a scooter any more than a car dealer could test and license a driver’. ATSA made the point that it would be inappropriate for retailers to be responsible for user assessment or licensing and device sales, due to a conflict of interest. Suppliers could advise consumers and provide basic training, but not assess capability to operate devices or have a role in licensing.⁴²⁵
- 6.79 With regard to who should be responsible for education and training should quad bikes be licensed, TARS argued that this role should be performed by RMS: ‘They already have the infrastructure for carrying out similar tasks for road vehicles throughout NSW. Extending their services to off-road vehicles would not be difficult if these vehicles were licensed.’⁴²⁶

⁴²⁵ Submission 37, Assistive Technology Suppliers Australasia, p10

⁴²⁶ Transport and Road Safety Research, University of New South Wales, Answers to supplementary questions from 28 June 2013, question 2(ii)

Chapter Seven – Conclusions and Recommendations

- 7.1 An ageing population, increasing transportation costs and the availability of alternatives to traditional motorised vehicles have resulted in an upsurge in the use of a range of non-registered motorised vehicles on NSW roads. This includes, but is not limited to, mobility scooters, electric bicycles, quad bikes and Segways, which are the major categories under review as part of this inquiry.
- 7.2 The trend towards alternative modes of transport has obvious benefits for groups in the community who for reasons of age or infirmity would otherwise be house bound. It also presents a challenge for road safety practitioners and transport planners, who voice concerns about the potential conflicts and risks these vehicles may pose for riders and other road users.
- 7.3 Increasing road congestion and the attractiveness of alternative means of motorised transport make it timely to consider how these vehicles are being used and regulated. Additionally, it is important to gauge how any conflicts can be addressed to provide a better operating environment and ensure the safety of users and the wider public.
- 7.4 The Committee has examined the current safety issues affecting the use of these vehicles and its implications for the wider community, with a view to refining policy settings and practices for all stakeholders concerning this emerging area of road safety.

DATA COLLECTION

- 7.5 A consistent theme running through the inquiry is the lack of data concerning the use of non-registered motorised vehicles and their crash involvement. Comprehensive data collection and its availability has been commented on in previous Staysafe Committee reports and this applies more broadly to other crash vehicle data than the focus of this particular inquiry.
- 7.6 This message has been reinforced in evidence gathered from current inquiry participants, who have overwhelmingly stressed that data collection for crashes involving non-motorised registered vehicles is inadequate and that improvements are needed to better inform policy development.
- 7.7 The Committee was told that researchers must perform text searches based on the description of an accident, or identify subcategories under certain vehicle classifications in order to locate specific data. Moreover, existing data sources, including hospital and police records, lack detail about the circumstances and risk factors associated with vehicles such as mobility scooters, and few research studies have been conducted in this area.
- 7.8 This data problem is compounded by the current vehicle coding system, which does not enable precise differentiation between vehicle classes. This means that some registered vehicles generally used on public roads (such as mopeds) are

included along with non-registered vehicles (electric bicycles and quad bikes). Definitional issues related to the classification of mobility scooter riders as pedestrians create another layer of confusion.

RECOMMENDATION 1

The Committee recommends that an interagency working group, comprising Transport for NSW, the Ministry of Health, NSW Police Force and WorkCover NSW investigates ways to improve data collection and research on injuries and deaths caused by non-registered motorised vehicles, as well as relevant risk factors.

RECOMMENDATION 2

The Committee recommends that the interagency working group examines means by which to improve coding in the Admitted Patient Data collection to differentiate between vehicle types.

RECOMMENDATION 3

The Committee recommends that the interagency working group also consider the provision of training for police on vehicle type recognition, in order to improve the accuracy of crash reporting.

- 7.9 Increased local council involvement in data collection would also improve current gaps in information. Additionally, enhanced data collection by RMS for off-road accidents would assist local councils to prepare grant submissions for road safety projects targeting motorised vehicles.
- 7.10 Taking advantage of the information gathering capacity of electronic communication, it has been suggested that a smart phone application may assist in this regard. Such an application could provide data on community perceptions of safety by enabling pedestrians, cyclists and scooter users to record incidents and categorise their severity by choosing a rating for factors such as personal impact and allocation of fault.
- 7.11 While this would not constitute rigorously tested data, it would provide an additional layer of information and help to inform research and policy making.

RECOMMENDATION 4

The Committee recommends that Transport for NSW collaborates with local councils to encourage better reporting of crashes and incidents involving non-registered motorised vehicles through developing a smart phone application.

VEHICLE STANDARDS AND DESIGN

- 7.12 As part of the inquiry, the Committee examined the design and operation of various types of non-registered motorised vehicles, including suggested improvements to design, safety features, vehicle speed and weight limits. The role of manufacturers and distributors, compliance with safety standards and the issue of licensing and registration to regulate safety all have a bearing on roadworthiness and contribute to the risk profile of these vehicles.

- 7.13 It is worth noting that Australia's National Road Strategy includes consideration of further regulation of speed and other safety features of powered alternative vehicles (such as mobility scooters and power-assisted bicycles). Implementation is progressing through an Austroads project on alternative vehicles.
- 7.14 Depending on class, different vehicles have varying risk profiles associated with their design and use. In the case of quad bikes, these lack an Australian Standard for design and operation which would cover requirements for lateral roll, rearward pitch and forward pitch stability, and handling or rollover propensity. Mobility scooters similarly lack specific design standards, as they are currently classed as electric wheelchairs.
- 7.15 Wide variability in design was perceived as a contributing factor to poor vehicle choice by some users. Evidence was provided that compliance with manufacturing and design standards would address safety concerns and ensure that safety features, including speed capacity, reversing indicators, improved brakes, flags and lights, would apply to all mobility scooters.
- 7.16 It was also suggested that mobility scooter design can represent a risk to other road users, whereby mobility scooters' size, speed and an inaudible motor are a potential source of danger for vulnerable pedestrians. This is exacerbated by the absence of mass limits for their use on footpaths.
- 7.17 The Committee heard differing views about maximum speed and weight limits on scooters. Manufacturers and retailers advocate higher speed and weight limits, consistent with international standards and modern consumer requirements. Other witnesses and road safety experts point to the dangers of heavier mobility scooter users travelling at higher speed on shared footpaths and in potential conflict with pedestrians and other road users.

RECOMMENDATION 5

The Committee recommends that the NSW Government continues to progress the work being conducted with Austroads and other Australian jurisdictions to develop standard Australian Design Rule classifications for non-registered motorised vehicles.

RECOMMENDATION 6

While not pre-empting the current Austroads review, the Committee recommends that the Design Standards for mobility scooters be considered separately from those applying to motorised wheelchairs.

- 7.18 In relation to electric bicycles, evidence received during the inquiry pointed to inconsistencies in the legal requirements and enforcement of regulations. Recent cases were cited in which electric bicycles with inoperable pedals were ruled to be bicycles because of their power output. This creates an enforcement problem due to the inadequate labelling of such vehicles.
- 7.19 According to the NSW Police Force, labelling could overcome some of these difficulties. Assistant Commissioner Hartley told the Committee that standard

labelling indicating electric bikes' power output would make enforcement and prosecutions easier to achieve.

RECOMMENDATION 7

The Committee recommends that the NSW Government examine the feasibility of requiring manufacturers of electric bicycles to affix a label indicating the vehicle's power output to assist in enforcement and prosecution of illegally operated electric bicycles.

RECOMMENDATION 8

The Committee recommends that Transport for NSW produce a list of legal bicycle models that meet the 200 watt output limit for enforcement purposes, and that illegal bicycle use be recorded on a person's driving record.

- 7.20 Quad bikes present additional risks due to their operation outside the regulatory system. There was broad support for additional safeguards to be applied to quad bike riders. The use of helmets and protective equipment was supported by the Royal Australasian College of Surgeons and the Commission for Children and Young People.

RECOMMENDATION 9

The Committee recommends that the NSW Government gives consideration to mandating the use of safety equipment, such as helmets and protective clothing, when operating a quad bike.

- 7.21 A further suggestion to overcome inherent stability problems of quad bikes, when operated on uneven terrain, was to instigate a star rating system. WorkCover NSW is currently examining quad bike safety issues through the Quad Bike Performance Project. The Project aims to provide farmers with a rating system to assist when they purchase a quad bike or side by side vehicle.
- 7.22 The Committee considers that a testing and star rating system would inform consumers, improve safety and encourage manufacturers to change the design of their vehicles.

RECOMMENDATION 10

The Committee recommends that the NSW Government reviews the WorkCover project on quad bike safety with a view to implementing a star rating system for quad bikes, if this proves feasible.

- 7.23 While Segway use was not given a high priority by inquiry participants, the NSW Government's view is that Segways are too vulnerable to be considered as a vehicle, operating alongside other traffic, and too heavy and difficult to manoeuvre to be considered as a pedestrian in the same way as mobility device users.
- 7.24 The Centre for Road Safety has received a number of requests for registration exemption and for Segways to be used as mobility devices but considered it inappropriate given the way in which they are operated. They do not meet

required Commonwealth safety and performance standards and cannot be sold in Australia for on road use, or be registered or used in NSW, except through an individual exemption from RMS.

- 7.25 The Committee agrees that Segways, due to inherent safety problems, should not be allowed on NSW roads.

ROAD INFRASTRUCTURE

- 7.26 Another significant risk factor impacting on non-registered motorised vehicles is poorly designed and badly maintained road safety infrastructure. Inappropriate and inadequately maintained footpaths and ramps create safety hazards, particularly for mobility scooter users.
- 7.27 The Committee was told that infrastructure is by far the most serious issue affecting scooter safety, with users having poor options for route choice and frequently being forced into roads, gutters and nature strips. The quality of infrastructure in regional areas is particularly relevant given that a 2012 survey of mobility scooter safety found that mobility scooter use is higher in regional/rural/remote areas than in capital cities and with 50 per cent of scooter users living outside capital cities.
- 7.28 Council representatives appearing before the Committee highlighted the high costs of upgrading footpaths and associated road maintenance and suggested that additional state and federal government support is required to provide necessary local infrastructure.

RECOMMENDATION 11

The Committee recommends that local and state governments take account of powered mobility device safety when designing or upgrading public infrastructure. To this end, the characteristics of non-registered motorised vehicles such as mobility scooters should be factored into the design of public places, as reflected in local and state government planning guidelines, including the Long Term Transport Master Plan, the State Road Safety Strategy, as well as local infrastructure plans.

MANUFACTURERS AND DISTRIBUTORS

- 7.29 The inquiry considered the role manufacturers can play in vehicle design and safety improvements. A range of views was presented, including the suggestion that manufacturers should provide safety information to consumers, or that they should be required to fit improved safety equipment to devices. Accreditation of suppliers was also supported by some participants.
- 7.30 It was reported that responsible suppliers are seeking to improve the industry and produce safety guides, train their staff in teaching elderly people on safe use of devices, and encourage consumers to consult an occupational therapist for advice on the device most suitable for their needs. As this is not currently a legal requirement, the potential exists for opportunistic suppliers to sell devices that breach Australian requirements and standards.

- 7.31 The Committee was also told that the industry is working with the Department of Infrastructure to obtain pre-sales information on public transport requirements, so that consumers who use public transport know that their device complies with the space available on public transport. This is a welcome development.
- 7.32 As there is currently no accreditation for retailers of mobility devices, Assistive Technology Suppliers Australasia has received a federal grant to develop an options paper on supplier accreditation. The Committee supports this initiative.

RECOMMENDATION 12

The Committee recommends that the NSW Government examines the viability of establishing an accreditation system for mobility device retailers in order to ensure that consumers are provided with material containing safety warnings and user information as part of the sale process.

RECOMMENDATION 13

The Committee recommends that any accreditation system for mobility device retailers include a requirement to ensure that potential purchasers satisfy basic motor skills based competencies before purchasing such a vehicle.

REGULATORY REFORM

- 7.33 The proposal to establish a registration scheme was presented as a potential solution to some of the issues identified throughout the inquiry. In support of this proposition, the case was made that such a scheme would improve safety, enable assessment of the competency of vehicle operators, improve data collection on vehicle use and prevent illegal use of such vehicles. On the other hand, it was also claimed that registration is not required, would be costly, and difficult to implement and enforce.
- 7.34 In addition to criticisms of the registration option based on administrative and cost considerations, it was also argued that registration may not be appropriate for vehicles that are often operated by children, or used in off-road areas, such as parks, reserves, and shopping malls, where road transport legislation is not enforceable. This applies particularly to non-registered motorcycles and quad bikes.
- 7.35 It was argued that unregistered trail bike riders operating in local community areas are a significant problem for police, with complaints taking up a great deal of police time. Moreover, it was suggested that there should be a minimum age limit of 16 for drivers/riders, that no passengers should be permitted on quad bikes, and that a specially designed helmet should be developed for quad bikes and made mandatory.
- 7.36 While the design and operation of quad bikes is a source of concern, the use of these vehicles on non-road related areas and the consequential problems of enforcement, makes a regulatory approach to managing safety risks problematic. A counter argument for registration also applies to mobility scooters, in that such a requirement may discourage disabled people from participating in their local community, limit social activities and prevent access to services.

- 7.37 While there is no doubt that a registration and licensing system would provide a number of benefits and increase vehicle safety standards, the Committee is not convinced that the large administrative and financial cost burdens outweigh the potential benefits. While it is important to identify and track vehicles using the road system, this can be achieved by other means.
- 7.38 One such option is the use of compliance plates and/or road worthiness certificates to be issued by manufacturers and affixed to all such vehicles. These would serve a range of purposes, including guaranteeing compliance with vehicle standards and road worthiness at point of sale, the provision of data to road safety authorities and improved enforcement of road rules. The precise details of such a scheme would have to be investigated by relevant NSW Government agencies, in tandem with the Australian Customs Service.

RECOMMENDATION 14

The Committee recommends that the NSW Government investigates the feasibility of imposing a requirement for mobility scooters to be fitted with compliance plates or road worthiness certificates, prior to their sale. Vehicles would not be able to be imported for sale unless this condition is met.

VEHICLE INSURANCE

- 7.39 As noted previously, many non-registered motorised vehicles are exempt from registration, while others may be conditionally registered. A vehicle's registration status impacts on its insurance coverage and this applies to electric bicycles, motorised wheelchairs and scooters weighing less than 110kg with a maximum capacity of 10km/h, Segways and trail bikes.
- 7.40 Quad bikes require conditional registration and CTP insurance. Conditional registration for quad bikes is only available provided they are used in mostly off-road or off-road related areas with limited access to the road network.
- 7.41 While people injured in an accident involving an at-fault vehicle that is exempt from registration are eligible for benefits under the nominal defendant provisions of the motor accidents scheme, this is not always assured, particularly in relation to mobility scooters if the weight or speed exceeds allowable limits.
- 7.42 Similarly, there are potential difficulties where a non-registered motorised vehicle involved in an accident does not meet the criteria for a nominal defendant claim. This applies if the accident occurs in an area that is not a road or road-related area, or if the vehicle involved is not exempt from registration.
- 7.43 Despite the current availability of a range of insurance products available for users of mobility scooters, some insurance policies may not provide adequate cover, or there may be gaps in the cover. The NSW Bar Association suggested that most elderly users of motorised scooters do not realise that, even if they have purchased public liability insurance, it may not cover them if they accidentally hit a pedestrian.
- 7.44 The Committee also heard that there is a gap between public liability insurance and CTP insurance cover for non-registered motorised vehicles, due to exclusion

clauses in insurance companies' policies. These clauses limit public liability cover from applying to motor vehicles, and to circumstances where liability is otherwise covered by compulsory third party insurance. However, devices such as mobility scooters are not covered by CTP insurance.

- 7.45 While there was some support for mandatory insurance, other evidence indicated that it should not be made mandatory until more evidence is gathered to support the need for such a scheme.

RECOMMENDATION 15

The Committee recommends that Transport for NSW and the Motor Accidents Authority investigate the insurance liability and insurance coverage options for mobility devices.

RECOMMENDATION 16

The Committee recommends that Transport for NSW undertakes a public education campaign to inform the community of the risks of injury associated with the use of non-registered motorised vehicles and of the need for appropriate insurance to cover potential liability.

ROAD SAFETY EDUCATION

- 7.46 As outlined earlier in the report, changes in mobility patterns and demographic change brought about by an ageing population have resulted in the rapid expansion of multiple modes of transport on the road system. The increased use of a range of non-registered motorised vehicles requires a new emphasis on public information and education about the operation and safety risks associated with their use.
- 7.47 Two key strategies to achieve such road safety awareness are through education and training and the targeted assessment of users' skills and competency to safely operate these vehicles.
- 7.48 Some local councils have developed their own programs, which include the collection of usage data, aimed at improving road safety and access for motorised wheelchair/scooter users. One such council conducts a mobility scooter safety and education day, targeting community members and groups, as well as organisations catering to the needs of the disabled, frail or aged. Other councils run education workshops conducted by road safety officers, which actively disseminate information about the safe use of mobility scooters.
- 7.49 To reinforce this approach, the state government funds road safety projects targeting non-registered motorised vehicles. Some retailers also provide point of sale training to supplement the range of programs developed by local councils and state government agencies.
- 7.50 The Committee heard that there is scope to improve current education and training, for example through catering to younger users and focussing on point of sale training. According to Transport for NSW, programs to date have largely targeted older people. The Department stressed that programs for younger people would be particularly important given that a mobility scooter survey

indicated that a large proportion of mobility device users are under 60 years of age.

7.51 With regard to quad bikes, information regarding training for agricultural use of the vehicles is provided by most manufacturers. According to the Federal Chamber of Automotive Industries, the quad bike industry raises awareness of safety interventions both at point of sale and by publishing information online, including a list of training available for riders at specialist rider training centres, TAFEs and other recognised driver and rider training organisations.

7.52 There has been some criticism of the lack of effectiveness of current training programs. The NSW Government referred to a research project on mobility scooter use, which looked at a scooter education and training pilot program implemented in British Columbia. Although further research and evaluation is required, initial findings indicated that the model proposed for mobility scooter education could be used as a guide for learning activities for scooter users.

RECOMMENDATION 17

The Committee recommends that Transport for NSW examines the effectiveness of the scooter education and training pilot program implemented in British Columbia with a view to improving similar training programs delivered in NSW.

7.53 There is also a need to expand general awareness of the use of non-registered motorised vehicles in the community. The Committee received support for targeted campaigns covering key safety messages, developed through co-operation between local and state agencies and retailers.

7.54 In addition to campaigns targeting the use of mobility scooters, the Committee was alerted to the need to build awareness about quad bike safety and the need for training to use quad bikes. It was suggested that organisations such as WorkCover NSW, the Department of Primary Industries and farmers' associations incorporate messages on quad bike safety in their advertising campaigns, and that safety advertisements be placed in rural newspapers.

7.55 A requirement to provide vehicle manuals and safety brochures at the point of sale, and distributing safety brochures and safety rating information at farming and agricultural shows was also proposed.

7.56 Extensive support was given by inquiry participants to the inclusion of mobility devices in road safety campaigns. Moreover, the City of Sydney commented on the lack of detail of road safety measures for mobility scooters in the NSW Road Safety Strategy. The Strategy does not identify the road safety problems associated with use of non-registered motorised vehicles, nor does it provide detail about strategies to target safety.

RECOMMENDATION 18

The Committee recommends that Transport for NSW and WorkCover NSW design specific road safety campaigns to increase community awareness of the

safety risks of different classes of non-registered motorised vehicles and the importance of skills and competency based training.

RECOMMENDATION 19

The Committee recommends that non-registered motorised vehicle awareness also be included in pedestrian and road safety campaigns, such as Road Rules Awareness Week.

RECOMMENDATION 20

The Committee recommends that Transport for NSW updates relevant road safety publications, such as 'A Guide to using motorised wheelchairs', to make clear that advice on road rules and road safety also applies to mobility scooters.

Appendix One – List of Submissions

1	Mr Charles Nicholson
2	Motorcycle Council of NSW Inc
3	Name suppressed
4	Ms Tania Panopoulos
5	Name suppressed
6	Mr Mark Walker
7	Name suppressed
8	Mr Ray O'Flynn
9	Name suppressed
10	Name suppressed
11	Name suppressed
12	Name suppressed
13	Name suppressed
15	Mr Ric Frances
16	Name suppressed
17	Country Women's Association of NSW
18	Ms Frances Eyre
19	Mr Robert Tolhurst
21	Mr Paul Agius
22	Scooters Australia Pty Ltd
23	Shopping Centre Council of Australia
24	Warringah Council
25	Mr Robert Jansen
26	Occupational Therapy Australia – NSW
27	Name suppressed
28	New South Wales Bar Association
29	Name suppressed
30	Name suppressed
31	Combined Pensioners & Superannuants Association
32	Mr Charles Davies
33	Singleton Council
34	Mr Darrell Landrebe
35	Mr Gwyn Kemp
36	Mr Ronald Mackenzie
37	Assistive Technology Suppliers Australasia
38	Mr Ron Betts
39	Pedestrian Council of Australia Ltd
40	Australian Lawyers Alliance
41	Ms Janelle Read

NON-REGISTERED MOTORISED VEHICLES
LIST OF SUBMISSIONS

42	Commission for Children and Young People
43	Name suppressed
44	Ms Anne Shearer
45	Institute of Public Works Engineering Australia (NSW Division)
46	Mr Peter Munday
47	Name suppressed
49	Temora Shire Council
50	ZBox Australia
51	Ballina Shire Council
52	Orange City Council and Cabonne Shire Council
53	Wyang Shire Council
54	Liverpool City Council
55	Port Macquarie Hastings Council
56	Nambucca Shire Council
57	Eurobodalla Shire Council
58	Ms Scootergirl Wong
59	Manly Council
60	The University of New South Wales
61	Mr Richard Musgrove
62	City of Canterbury
63	The Office of Environment and Heritage
64	NRMA Motoring & Services
65	Campbelltown City Council
66	NSW Government
67	Mrs A Hawkins
68	Mr D G Jones
69	Mr Michael Boocock
70	City of Sydney
71	Independent Living Centre (Tasmania)
72	Marrickville Council
73	Royal Australasian College of Surgeons
74	Gosford City Council
75	Federal Chamber of Automotive Industries

Appendix Two – List of Witnesses

24 JUNE 2013, JUBILEE ROOM, PARLIAMENT HOUSE

Witness	Organisation
Mr Michael Savage Roads & Transport Directorate Manager	Institute of Public Works Engineering Australia (NSW Division)
Mr Brendyn Williams Chief Executive Officer	
Mr Milton Cockburn	Shopping Centre Council of Australia
Mr Peter Fraser Director	Scooters Australia Pty Ltd
Mr Christopher Burns Delegate	Motorcycle Council of NSW Inc
Mr Guy Stanford Delegate	
Mr Andrew Stone	NSW Bar Association
Mr Chris Sparks Executive Officer	Assistive Technology Suppliers Australasia Inc
Ms Linda Ford Executive Director	Occupational Therapy Australia - NSW
Mrs Linda Elliot Deputy Chair NSW Council	NSW Council of Occupational Therapy Australia
Mr Terry Lee-Williams City Access & Transport Executive Manager	City of Sydney
Mr Len Woodman Road Safety Officer	
Mr Paul Versteeg Policy Coordinator	Combined Pensioners and Superannuants Association of NSW Inc
Ms Dimitra Vlahomitros Senior Policy Advisor Road Safety	NRMA Motoring and Services
Mr Jack Haley Senior Policy Advisor	

28 JUNE 2013, MACQUARIE ROOM, PARLIAMENT HOUSE

Witness	Organisation
Mr Tom Bagnat Acting Director Coastal Branch	National Parks and Wildlife Service
Ms Kerry Boland Acting Commissioner	Commission for Children & Young People
Professor Raphael Grzebieta Chair	Transport and Road Safety Research
Dr Soufiane Boufous Research Fellow	
Mr Andrew Nicholls General Manager	Motor Accidents Authority
Assistant Commissioner John Hartley Commander Traffic & Highway Patrol	NSW Police Force
Mr Tony Williams Acting Director Operations	WorkCover Authority of NSW
Ms Margaret Prendergast General Manager Centre for Road Safety	Transport for NSW
Mr Evan Walker Principal Manager Safe Systems Centre for Road Safety	
Mr Anthony Wing General Manager Efficiency and Effectiveness Policy and Regulation Division	

5 AUGUST 2013, FUNCTION ROOM, PORT-MACQUARIE HASTINGS
COUNCIL CHAMBERS

Witness	Organisation
Mr Charles Nicholson Private Citizen	
Mr Mark Walker Private Citizen	
Mr Nicholas Gainsford Road Safety Officer	Port Macquarie-Hastings Council
Ms Coral Hutchinson Manager Community and Cultural Services	Nambucca Shire Council

Appendix Three – Extracts from Minutes

Minutes of Proceedings of the Joint Standing Committee on Road Safety (no. 17)

1.00pm, Wednesday, 14 November 2012

Room 1254, Parliament House

Members Present

Mr Aplin (Chair), Mr Ayres, Mr Colless (Deputy Chair), Mr Furolo, Mr Secord, Mr Webber, Mr Williams

Apologies

An apology was received from Ms Faehrmann

The Chair commenced the meeting at 1.01 pm.

1. Confirmation of Minutes

Resolved, on the motion of Mr Webber, that the minutes of the deliberative meeting conducted on 17 October 2012 be confirmed.

3. Future Inquiry

The Committee noted the referral from the Minister for Roads and Ports for an inquiry into mobility scooters and discussed the terms of reference.

Resolved, on the motion of Mr Williams, that the Committee adopt the amended terms of reference for an inquiry into non-registered motor vehicles to begin in early 2013.

Resolved, on the motion of Mr Colless, that the Chair write to the Minister for Roads and Ports thanking him for the draft terms of reference for the inquiry and advising that the Committee has resolved to adopt an inquiry with broader terms of reference than those proposed in his letter.

The Committee adjourned at 1.15 pm until 1.00pm Wednesday, 28 November 2012.

Minutes of Proceedings of the Joint Standing Committee on Road Safety (no. 18)

1.00pm, Wednesday, 27 February 2013

Room 1254, Parliament House

Members Present

Mr Aplin (Chair), Mr Ayres, Mr Furolo, Mr Secord, Mr Webber, Mr Williams

Apologies

Apologies were received from Mr Colless and Ms Faehrmann

The Chair commenced the meeting at 1.03 pm.

1. Confirmation of minutes

Resolved on the motion of Mr Webber, that the minutes of the deliberative meeting conducted on 27 November 2012 be confirmed.

3. Non-registered motorised vehicles inquiry

Resolved on the motion of Mr Furolo, that the Inquiry be advertised, calling for submissions by the end of April 2013.

The list of stakeholders circulated with the meeting papers was discussed and Members were asked to provide additional names to the Inquiry Manager.

The Committee adjourned at 1.11 pm until 1.00pm Wednesday, 20 March 2013.

Minutes of Proceedings of the Joint Standing Committee on Road Safety (no. 19)

1.00pm, Wednesday, 20 March 2013

Room 1254, Parliament House

Members Present

Mr Aplin (Chair), Mr Ayres, Mr Colless, Ms Faehrmann, Mr Park, Mr Secord, Mr Webber, Mr Williams

The Chair commenced the meeting at 1.01 pm.

1. Confirmation of minutes

Resolved, on the motion of Mr Webber, that the minutes of the deliberative meeting conducted on 27 February 2013 be confirmed.

3. Non-registered motorised vehicles inquiry

The Chair reported that the Inquiry had been advertised in the *Sydney Morning Herald* and *The Senior* and that submissions had been sought from stakeholders.

Members discussed possible hearing dates and were asked to reserve 24 and 28 June 2013. Members will be able to consider possible witnesses at the next meeting, which will be held after the closing date for submissions.

4. General business

Arrivals and departures

The Chair welcomed Mr Park who replaces Mr Furolo.

Ms Faerhmann advised that she will be tendering her resignation from the Committee.

The Committee adjourned at 1.24 pm until 1.00pm Wednesday, 1 May 2013.

Minutes of Proceedings of the Joint Standing Committee on Road Safety (no. 20)

1.00pm, Wednesday, 22 May 2013
Room 1254, Parliament House

Members Present

Mr Aplin (Chair), Mr Colless, Rev Nile, Mr Secord, Mr Webber, Mr Williams

Apologies

Mr Ayres, Mr Park

The Chair commenced the meeting at 1.01 pm.

Committee Membership and Attendance

The Chair advised the Committee that Rev Nile was replacing Ms Faehrmann on the Committee.

Committee Members recorded their appreciation of the contribution made by Ms Faehrmann during her membership of the Committee and welcomed Rev Nile.

1. Confirmation of minutes

Resolved, on the motion of Mr Colless, that the minutes of the deliberative meeting conducted on 20 March 2013 be confirmed.

2. Non-registered Motorised Vehicle Inquiry

The Committee deliberated on submissions received to date.

Resolved on the motion of Mr Secord, that the Committee receives and authorises the publication of submissions made to the Inquiry, with personal details redacted as appropriate, and orders that they be placed on the Parliament's website.

The Committee discussed the proposed witness list, previously circulated, for public hearings on 24 and 28 June 2013. The Committee agreed to take evidence from the following witnesses: Motorcycle Council of NSW; Scooters Australia Pty Ltd; Shopping Centre Council of Australia; Warringah Council; Occupational Therapy Australia; NSW Bar Association; Combined Pensioners and Superannuants Association; Assistive Technology Suppliers Australasia Inc; Pedestrian Council; Commission for Children and Young People; Institute of Public Works Engineering (NSW); Transport and Road Safety UNSW; Office of Environment and Heritage; NRMA; Campbelltown City Council; NSW Government; City of Sydney.

The Committee Manager advised that the hearing on Monday 24 June will commence at 9:00am and conclude at 4:45pm, with half an hour allocated to each witness. The hearing on Friday 28 June will commence at 9:00am and conclude at 1:00pm.

The Committee discussed a one day visit to a northern regional centre of the State to conduct a public hearing and to hold inspections of local facilities. Mr Colless suggested

the Committee contact representative farmers groups about quad bike user safety. The Committee secretariat undertook to investigate possible locations for the regional hearing and inspections based on submissions received and suitability of travel arrangements and to ascertain Members' availability in the week commencing 5 August 2013.

Resolved on the motion of Mr Colless, that the Committee Chair writes to the Speaker seeking approval for travel to northern NSW.

The Committee adjourned at 1.25 pm until 9:00am Monday 24 June 2013.

Minutes of Proceedings of the Joint Standing Committee on Road Safety (no. 21)

10.00am, Monday, 24 June 2013
Jubilee Room, Parliament House

Members Present

Mr Aplin (Chair), Mr Ayres, Mr Park, Mr Secord, Mr Webber, Mr Williams

Apologies

Mr Colless, Rev Nile

1. Inquiry into non-registered motorised vehicles - Public hearing

The Committee commenced its hearing at 10.05am.

Press and public were admitted.

The Chair made an opening statement in connection with the Inquiry.

The following witnesses representing the Institute of Public Works Engineering Australia (NSW Division) were sworn and examined together:

Mr Michael John Savage, Roads and Transport Directorate Manager, and Mr Brendyn John Williams, Chief Executive Officer.

Evidence concluded, the witnesses withdrew.

The following witness representing the Shopping Centre Council of Australia was sworn and examined:

Mr Milton Cockburn, Executive Director.

Evidence concluded, the witness withdrew.

The following witness representing Scooters Australia Pty Limited was affirmed and examined:

Mr Peter David Fraser, Managing Director.

Evidence concluded, the witness withdrew.

The following witnesses representing the Motorcycle Council of NSW Inc were sworn and examined together:

Mr Guy John Stanford, and Mr Christopher James Burns, Dirt Bike Subcommittee.

Mr Stanford and Mr Burns provided Committee members with copies of a document entitled Draft Recreational Registration Trail Bike Riding.

Evidence concluded, the witnesses withdrew.

The following witness representing the NSW Bar Association was affirmed and examined: Mr Andrew John Stone, Barrister.

Evidence concluded, the witness withdrew.

Following a lunch adjournment the hearing recommenced at 1.30pm

The following witness representing Assistive Technology Suppliers Australasia was sworn and examined:

Mr Christopher Paul Sparks, Executive Officer.

Evidence concluded, the witness withdrew.

The following witnesses representing Occupational Therapy Australia, NSW were sworn and examined together:

Mrs Linda Jessie Elliott, Deputy Chair, NSW Council, and Ms Linda Ford, Executive Director. Evidence concluded, the witnesses withdrew.

The following witnesses representing City of Sydney were sworn and examined together: Mr Leonard Paul Thomas Woodman, Road Safety Officer, and Mr Benoit Bost, Transport Planner.

Evidence concluded, the witnesses withdrew.

The following witness representing the Combined Pensioners and Superannuants Association of NSW Inc. was affirmed and examined:

Mr Paul Versteeg, Policy Coordinator.

Evidence concluded, the witness withdrew.

The following witness representing NRMA Motoring and Services was affirmed and examined:

Mr Jack Haley, Senior Policy Adviser.

Evidence concluded, the witness withdrew.

Resolved on the motion of Mr Williams, that the transcript of today's hearing be published on the Committee's website, after making corrections for recording inaccuracy, together with the answers to questions taken on notice.

The Committee adjourned at 3.57pm until 9.00am Friday 28 June 2013.

Minutes of Proceedings of the Joint Standing Committee on Road Safety (no. 22)

9.00am, Friday, 28 June 2013

Macquarie Room, Parliament House

Members Present

Mr Aplin (Chair), Mr Colless, Mr Park, Mr Secord,

Apologies

Mr Ayres, Rev Nile, Mr Webber, Mr Williams

1. Inquiry into non-registered motorised vehicles - Public hearing

The Committee commenced its hearing at 9.40am.

Press and public were admitted.

The Chair made an opening statement in connection with the Inquiry.

The following witnesses representing the NSW Commission for Children and Young People were affirmed and examined together:

Ms Kerry Boland, New South Wales Children's Guardian, Acting Commissioner, and Mr Gregor Craigie Macfie, Director, Policy and Research.

Evidence concluded, the witnesses withdrew.

The following witness representing the National Parks and Wildlife Service was sworn and examined:

Mr Thomas John Bagnat, Acting Director, Coastal Branch.

Evidence concluded, the witness withdrew.

The following witnesses representing Transport and Road Safety Research (TARS), University of New South Wales were affirmed and examined together:

Professor Raphael Hilary Grzebieta, Professor of Road Safety, and Dr Soufiane Boufous, Research Fellow.

Evidence concluded, the witnesses withdrew.

The following witnesses representing the NSW Government were affirmed and examined together:

Ms Margaret Prendergast, General Manager, Centre for Road Safety, Transport for NSW, and Mr Evan Walker, Principal Manager, Safer Systems, Centre for Road Safety, Transport for NSW.

The following witnesses representing the NSW Government were sworn and examined together:

Mr Andrew Phillip Nicholls, General Manager, Motor Accidents Authority of NSW, Mr Anthony Wing, General Manager, Efficiency and Effectiveness, Policy and Regulation Division, Transport for NSW, Assistant Commissioner John Hartley, Commander, Traffic and Highway Patrol, NSW Police Force, and Mr Anthony John Williams, A/Director of Operations, WorkCover Authority of NSW.

Evidence concluded, the witnesses withdrew.

Resolved on the motion of Mr Secord, that the transcript of today's hearing be published on the Committee's website, after making corrections for recording inaccuracy, together with the answers to questions taken on notice.

The Committee adjourned at 12.18pm until 9.00am Monday 5 August 2013 at Port Macquarie.

Minutes of Proceedings of the Joint Standing Committee on Road Safety (no. 23)

10.00am, Monday, 5 August 2013

Port Macquarie

Members Present

Mr Aplin (Chair), Mr Colless (Deputy Chair), Mr Ayres Mr Park, Mr Webber, Mr Williams

Apologies

Rev Nile, Mr Secord

1. Inquiry into non-registered motorised vehicles - Inspections

The Committee conducted inspections of mobility scooters and held discussions with residents of Garden Village retirement home.

The Committee was met by Ms Kate Chew, Operations Manager and Mr Nick Gainsford, Road Safety Officer, Port Macquarie-Hastings Council.

The Committee continued its inspections with a visit to Parklands Village retirement home and conducted discussions with residents.

The Committee was met by Ms Debby Boese, Manager.

The Committee continued its inspections with a visit to Care and Mobility Scooters Pty Ltd.

The Committee was met by Mr Nik Sandeman-Allen.

The Committee concluded its inspections by conducting discussions with members of the Port Macquarie- Hastings Council Access sub-Committee, led by Ms Julie Priest, Acting Group Manager, Community Development.

2. Inquiry into non-registered motorised vehicles - Public hearing

The Committee commenced its hearing at 1.25pm.

Press and public were admitted.

The Chair made an opening statement in connection with the Inquiry.

The following witness was sworn and examined:

Mr Charles Raymond Nicholson, private citizen.

Evidence concluded, the witness withdrew.

The following witness was affirmed and examined:

Mr Mark Douglas Walker, private citizen.

Mr Walker provided Committee members with copies of two documents entitled *Additional Points* and *Vehicle Categories*.

Evidence concluded, the witness withdrew.

The following witness, representing Port Macquarie-Hastings Council was sworn and examined:

Mr Nicholas John Gainsford, Road Safety Officer.

Evidence concluded, the witness withdrew.

The following witness, representing Nambucca Shire Council was sworn and examined:

Ms Coral May Hutchinson, Manager, Community and Cultural Services.

Ms Hutchinson provided Committee members with a copy of a document entitled *Scooter Survival Guide*.

Evidence concluded, the witness withdrew.

Resolved on the motion of Mr Colless, that the transcript of today's hearing be published on the Committee's website, after making corrections for recording inaccuracy, together with the answers to questions taken on notice.

The Committee adjourned at 3.45pm until 1.00pm Wednesday 21 August 2013 at Parliament House.

Minutes of Proceedings of the Joint Standing Committee on Road Safety (no. 24)

1.00pm, Wednesday, 21 August 2013
Room 1254, Parliament House

Members Present

Mr Aplin (Chair), Mr Ayres, Mr Secord, Mr Webber, Mr Williams

Apologies

Mr Colless, Rev Nile, Mr Park

The Chair commenced the meeting at 1.10pm.

1. Confirmation of minutes

Resolved on the motion of Mr Webber, that the minutes of the deliberative meeting conducted on 22 May 2013 be confirmed.

Resolved on the motion of Mr Ayres, that the minutes of the public hearing held on 24 June 2013 be confirmed.

Resolved on the motion of Mr Williams, that the minutes of the public hearing held on 28 June 2013 be confirmed.

Resolved on the motion of Mr Secord, that the minutes of the public hearing held on 5 August 2013 be confirmed.

2. Non-registered Motorised Vehicle Inquiry

The Committee Manager provided an update on the progress of the Inquiry and the concurrent Austroads review of similar issues.

The Committee deliberated on the content of the draft report.

5. Adjournment

The Committee adjourned at 1.33pm until 9.30am Monday 16 September 2013 at Parliament House.

Minutes of Proceedings of the Joint Standing Committee on Road Safety (no. 25)

10.00am, Monday, 16 September 2013
13 Garden Street, Eveleigh

Members Present

Mr Aplin (Chair), Mr Colless, Revd Nile, Mr Secord, Mr Webber, Mr Williams

Apologies

Mr Holstein, Mr Park

Deliberative Meeting

The Chair commenced the meeting at 11.30am.

1. Confirmation of minutes

Resolved on the motion of Mr Williams, that the minutes of the deliberative meeting conducted on 21 August 2013 be confirmed.

2. Non-registered Motorised Vehicle Inquiry

The Committee deliberated on the outline of the draft report.

5. Adjournment

The Committee adjourned at 12.00 noon until 9.30am Monday 16 October 2013 at Parliament House.

Minutes of Proceedings of the Joint Standing Committee on Road Safety (no. 28)

1.00pm, Wednesday, 5 March 2014
Room 1254, Parliament House

Members Present

Mr Aplin (Chair), Mr Colless, Mr Holstein, Mr Park, Mr Secord, Mr Webber, Mr Williams.

Apologies

Rev Nile.

Staff in attendance: Bjarne Nordin, James Newton, Dora Oravec, Elaine Schofield.

The Chair commenced the meeting at 1.00pm.

1. Confirmation of minutes

Resolved on the motion of Mr Williams, that the minutes of the deliberative meeting conducted on 30 October 2013 be confirmed.

3. Inquiry into Non-registered motorised vehicles

The Committee deliberated on the Chair's draft report on the Inquiry into Non-registered Motorised Vehicles.

Resolved, on the motion of Mr Williams, that the Committee consider the report recommendation by recommendation.

Recommendation 1, on the motion of Mr Colless, agreed to.
Recommendation 2, on the motion of Mr Holstein, agreed to.
Recommendation 3, on the motion of Mr Williams, agreed to.
Recommendation 4, on the motion of Mr Holstein, agreed to.
Recommendation 5 and 6, on the motion of Mr Colless, agreed to.
Recommendation 7 and 8, on the motion of Mr Williams, agreed to.
Recommendation 9, on the motion of Mr Holstein, agreed to.
Recommendation 10, on the motion of Mr Holstein, agreed to.
Recommendation 11, on the motion of Mr Williams, agreed to.
Recommendation 12 and 13, on the motion of Mr Williams, agreed to.
Recommendation 14, on the motion of Mr Colless, agreed to.
Recommendation 15 and 16, on the motion of Mr Colless, agreed to.
Recommendation 17, on the motion of Mr Williams, agreed to.
Recommendation 18-20, on the motion of Mr Holstein, agreed to.

Resolved, on the motion of Mr Williams, that the Committee adopts the draft report, signed by the Chair for presentation to the House, authorises the Secretariat to make appropriate final editing and stylistic changes, and publishes the tabled report on the Committee's website.

4. General business

The Chair informed the Committee of his intention to table the report on 18 March 2014.

5. Adjournment

The Committee adjourned at 1.22pm until 1.00pm Wednesday, 26 March 2014 at Parliament House.