



Institute of
Public Works
Engineering
Australia
(NSW Division)

IPWEA (NSW) ROADS & TRANSPORT DIRECTORATE

Staysafe (Joint Standing Committee on Road Safety)
Parliament House
Macquarie St
Sydney NSW 2000

8 July 2013

Email: staysafe@parliament.nsw.gov.au

Dear Mr. Nordin,

Non-registered Motorised Vehicles Submission – Additional Questions

I refer to your letter dated 27th June 2013, enclosing a proof transcript of evidence given on Monday 24th June 2013 and two additional questions raised by the Committee.

As common letters were sent to both Mr Williams and me we have agreed to respond in a single reply.

In relation to the transcript I wish to confirm that I have no issues with the document provided. Mr Williams also confirms that he has no issues with the transcript provided.

In response to the questions raised I advise as follows:

1. *Your submission refers to a number of other mobility devices, such as electric cycles and the increasing demand for other mobility devices for specific user groups.*
 - *How great is the range of additional mobility devices referred to in the submission?*
- A. The range of additional mobility devices referred to in our submission is limited by the experience of member councils that have responded to our requests for information. By far the major concern for local councils is the number and distribution of mobility scooters. We do not have any data on other mobility devices other than anecdotal evidence that there are occasionally other devices being used on public streets from time to time. Most councils that we have had contact with are aware of the occasional electric cycle but in all cases these are considered not to be a problem as they are incorporated into the existing cycle network.

There is (again anecdotal) evidence of a steady increase of mobility scooters in both regional and metropolitan areas. As discussed at the hearing, some form of registration / tracking is required to provide accurate data in this respect.

In relation to other types of device there appears to be a small number of a variety of devices which have generally not been a significant problem to date. Our only source of reliable information relates to the current trial being carried out on the Macquarie University campus by the City of Ryde and Macquarie University.

- *What, in your opinion is the level of demand for these alternative modes of transport?*

A. The fact that the above trial has been established indicates that there is a perceived demand for other forms of personal mobility device. If these devices prove successful in this trial there will most likely be an ongoing demand to expand their use throughout the community. At the present time Councils have not identified these other modes of transport as being a problem.

2. *The submission refers to a range of activities being undertaken by local councils to trial the use of various motorised devices in their council areas.*

- *Which council do you think is conducting the most productive work in the area of mobility device and vehicle safety?*

A. The report prepared by GTA Consultants for Parkes, Forbes and Lachlan Shire Councils is fairly comprehensive and incorporates experience gained over a number of years.

Blayney Shire Council has also been active over several years in identifying the needs of users of mobility scooters and delivering education packages aimed at meeting those needs.

In the metropolitan area Holroyd City Council has also gathered information and has prepared a report to support the delivery of an education programme for mobility scooter users.

- *Are the results of these council activities being shared between councils and communicated to road safety authorities?*

A. The councils referred to above that have prepared reports do not appear to have actively shared the results with other councils. The reports referred to, for example, are not available on the council websites. This is not to suggest that the councils don't want to share the information – more that the reports have been prepared to address a local need and this has been their initial application.

I am unable to determine if this information has been shared with road safety authorities other than to note that this work has been carried out by Council Road Safety Officers whose positions are partly funded by RMS under the NSW Local Government Road Safety Programme. There is an opportunity for information sharing with RMS / Transport for NSW through this programme.

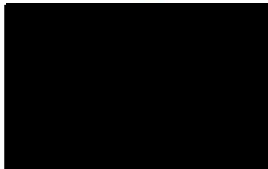
- *Are particular councils giving consideration to the certification, regulation and registration of such vehicles?*

- A. Given the expected costs and councils reluctance to undertake Federal and / or State Government tasks (resulting in cost shifting) it is highly unlikely that any councils have given consideration to the certification, regulation and registration of such vehicles.

Our initial view is that while implementation might be carried out by councils the certification, registration and regulation of these vehicles is one for consideration on a national basis with any introduction being carried out through the state road authorities. These are not matters to be considered on a council by council basis by the existing 500+ councils.

Once again, IPWEA (NSW) and the Roads & Transport Directorate appreciate this opportunity to have input into the Staysafe Committee inquiry into non-registered motorized vehicles and would be happy to provide additional information arising from the above submission.

For further information in relation to the submission please do not hesitate to contact the undersigned on:



Mick Savage
Manager Roads & Transport Directorate
IPWEA (NSW)

Telephone: [REDACTED]
Mobile: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

cc. Brendyn Williams

SHOPPING CENTRE

COUNCIL OF AUSTRALIA

E-MAILED
8-7-2013

8 July 2013

Mr Bjarne Nordin
Inquiry Manager
Joint Standing Committee on Road Safety
Parliament of NSW
Macquarie Street
SYDNEY NSW 2000

Dear Mr Nordin,

Inquiry into Non-Registered Motorised Vehicles

I refer to my appearance before the Joint Standing Committee on Road Safety on 24 June 2013. I undertook to respond to the Committee in relation to two matters.

First, Mr John Williams MLA asked: "Do shopping centres have a policy with regard to qualifying criteria for [mobility scooters] use?" (Hansard page 11, Monday 24 June 2013).

There is no industry policy or standard regarding the use of mobility scooters in shopping centres. As I said to the Joint Committee there have been no significant safety concerns about their use reported to the Shopping Centre Council of Australia and their use is still relatively infrequent.

If, as a result of the Joint Committee's inquiry, concerns are raised about safety issues, this is a matter that will certainly be considered by our Council. The use of such scooters has not been specifically addressed in the Safe Work Australia's *Draft Code of Practice on Traffic Management in Workplaces* or in the accompanying *Draft Guide Traffic Management: Shopping Centres* to which I referred in my submission to the Joint Committee dated 19 April 2013. Nevertheless, given the Draft Code and Guide, when finalised, will apply "to all businesses or undertakings where there is a risk of injury due to the movement of people, vehicles and mobile plant in the workplace, such as shopping centres . . .", we will be drawing the finalised Code and Guide to the attention of our members and requesting them to ensure that the principles are applied to their shopping centres. These will obviously apply to such vehicles as mobility scooters.

Second, the Chair drew my attention to the submission by the NSW Bar Association raising issues in relation to the interplay between CTP insurance, conditional registration and public liability insurance. Unfortunately I can't give the Joint Committee a definitive response at this stage. From my enquiries so far I am not aware of any specific concerns among our members about public liability in relation to such vehicles. I am, however, continuing enquiries. If the concerns expressed by the Bar Association are considered valid I propose to explore these further, although I note the Bar Association considers this problem needs to be resolved by the NSW Government.



Milton Cockburn
Executive Director

Leaders in Shopping Centre Advocacy

ABN 41 116 804 310
Shopping Centre Council of Australia Limited
Level 1 11 Barrack Street Sydney NSW 2000
Telephone: 02 9033 1902 ~ Facsimile: 02 9033 1976 ~ www.scca.org.au

Joint Standing Committee on Road Safety
NSW Parliament
Att: B. Nordin, Inquiry Manager
Macquarie St
SYDNEY, NSW, 2000
July 4th, 2013

Dear Mr Nordin,

Please find below some answers to the questions you sent me in regards to the presentation I gave to the Committee last June 24.

1. ATSA.

Is involved in negotiations with Australian Standards who are currently developing standards for mobility scooters and powered wheelchairs. The person to contact for more information is Mr Chris Sparks who is best contacted via his email address: chris.sparks@atsa.org.au

2. Standards.

I see no reason to doubt that the UK standards would be suitable for Australia as this is currently the default standard most manufacturers work on because both the UK and European markets (who substantially use the UK standard) are the toughest. The main issue here is speed and a 12 kph maximum speed is appropriate for the Australian terrain, provided the tare weight is extended to allow for heavier batteries.

3. Maximum Speed.

A 2 kph maximum speed increase (ie 10 to 12 kph) would not be noticeable in terms of accidents. However, the UK model of having a two speed switch on the scooter, that is readily accessible to the rider, and which reduces the speed in pedestrian rich environments, would be useful, and not add to the cost as it is already a feature of all UK and most European scooter designs. A slower speed of 6-8 kph for the lower speed setting would be acceptable and easily programmed.

4. Training Certificate:

Enclosed is a copy of the certificate we use for the purpose of training our customers, for your information.

If the Committee is recommending a registration for scooters, then training could be mandated as a condition of registration, using a similar checklist that the RMS designs. If not, it would be more difficult to mandate it and we do not know how this could be done effectively.


Regarding local government involvement in training: Provided there are access committees or some such in each council, training classes could be held in conjunction with a health professional and a supplier such as us. We would be willing to be part of this for a reasonable fee that covers the staff time involved. We can cover all metropolitan areas and most larger regional centres in NSW.

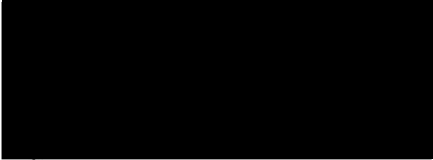
However, our main concern with local government is that they lift their game in relation to better infrastructure, particularly ramps and footpaths.



6. Insurance:

The insurance company in Melbourne that offers a "Shuttle" insurance package is
Lundy's Insurance Brokers: Suite 402 34 Queens Rd, Melbourne VIC 3000, Australia.

We hope that this information is useful to the Committee. If you need further information,
please do not hesitate to contact me: 



Peter D Fraser
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Scooters Australia Pty Ltd
PO Box 458 LANE COVE NSW 2066
www.scootersaus.com.au



14th July 2013

Staysafe
Joint Standing Committee on Road Safety,
Parliament House,
Macquarie Street,
Sydney NSW 2000

RE: Inquiry into non-registered vehicles

Dear Sirs,

We attach our response to additional questions following the hearing of 24 June 2013.

Q.1

Road Rules are not appropriate for giving usefully accurate recognition to off-road vehicles.

Our comments related to the fact that definitions for vehicles are provided in only two legislative references:-

1. Through the Commonwealth Motor Vehicle Standards Act
2. Through Road Rules

Both of these sources relate to defining vehicles for purposes of road use through vehicle Registration. Vehicles designed and built for off-road use are poorly defined in legislation, if mentioned at all. Any vehicle definition in Road Rules for non-registrable vehicles is specifically to prevent their use on roads or regulate use of a specific variant only.

e.g. motorised skateboards, Mobility Scooters of large size capable of high speed, ATVs, Dune Buggies, motorised bicycles with more than 200W of power, ride-on lawnmowers, golf buggies, others.....

As a direct result, many off-road vehicle types are ignored or "hidden" by poor database structure with inappropriate categories for off-road motorised vehicles.

Further, that a roads authority is only concerned with incidents occurring in a "road-related area".

The prime consequence of this is poor data in respect of incidents and injuries by vehicle type in off-road areas.

For example, an injury occurring from a motorised vehicle incident occurring in bushland or on private property will appear only in hospital admissions.

The definition of a "road related area" means the roads authority has no interest in recording the incident, nor are Police interested unless the incident involves an illegal act.

The injury recorded by the hospital may not include any specific detail of the vehicle at all.

If the person admitted was wearing motorcycle-type protective gear, it is likely they will be recorded as a motorcycle incident.

However, the person may not have been riding a motorcycle at all, e.g. a dune buggy, ATV or street luge, motorised or not.

We are aware from the presentation of one study from Westmead Hospital that in many cases, off-road motorcycle crashes are often assumed to have arisen from race tracks supervised under the *Motor Vehicle Sports (Public Safety) Act 1985* and events regulated through the Rules of Racing administered by Motorcycling NSW and Motorcycling Australia.

A further problem with hospital data is that persons presenting as a result of a motorised vehicle crash may not disclose that the crash occurred on a road related area due to the tangible risk of receiving an Infringement Notice from Police for Negligent driving or use of an unregistered vehicle.

Hence, we have poor data, imprecision in respect of vehicle type and lack of reliability in attribution.

If the managers of the Roads Authority are dependent upon reducing injuries captured in their statistics to ensure their employment contracts are renewed, then they have no interest in seeking to add further incidents and may interpret the "road related area" or "vehicle" definition in a severe manner directed to refusing inclusion in their data. Hence, Road Rules definitions for vehicles are for exclusion.

In short, off-road injury data is poorly defined and imprecise.

Specifically, we raised the problem of off-road motorcycles and ATVs having extremely limited areas in which to ride.

The consequence of this is that they "go feral" and appear to be used in a remarkable number of locations throughout the urban area, including on-road.

Provision of managed areas in which off-road activity can be regulated and contained will reduce the propensity of off-road vehicles to appear in road related areas.

Of the existing fleet of around 300,000 total ATVs in use in Australia, we estimate that around 5% are exclusively used for recreational purposes.

There is no clear distinction in any legislation, for distinguishing recreational ATV's from General Purpose working vehicles.

There are very few ATVs involved in regulated racing, with limited classes.

Many off-road vehicles are unregulated. For example, minibikes or pocketbikes are imported by opportunists in the marketplace and do not reflect the Standards compliant products of the major manufacturers.

In many cases, these opportunistic products have the appearance of, but are poor copies of higher quality products. The fleet size of these poor products is very low.

We have only a small number of anecdotes in relation to specific incidents, but little useful data.

While several anecdotes from the hospital data in relation to small children are tragic, the role of the parents or guardians is in our view, of greater significance than any particular features of the vehicle involved.

Notwithstanding the above, we also have anecdotes of supervised use of ATVs by disabled children, providing considerable joy.

The membership of the Motorcycle Council consists primarily of those who ride road registered motorcycles, the number who own and operate quad bikes would be small and we are not aware of any who have recently been involved in crash-related incidents."

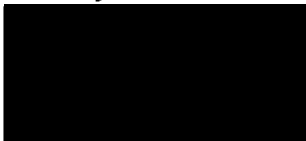
Q.2

We have never been made aware of the TARS/Workcover project through any formal consultation process
We have only become aware of it through reading the rural newspaper "The Land"

No. We do not know of any other Quad bike projects from any other agency..

Mr Stanford is involved in a commercial project investigating development of a Standards compliant helmet suitable for agricultural use.

Yours faithfully

A black rectangular box redacting the signature of the Secretary.

Secretary
Motorcycle Council of NSW



atsa

Assistive Technology Suppliers Australasia Inc

1st July 2013

Mr Bjarne Nordin
Inquiry Manager – Non-registered Motorised Vehicles
Joint Standing Committee on Road Safety
Parliament of NSW
Macquarie Street
SYDNEY NSW 2000

Dear Mr Nodrin,

re: Inquiry into Non-registered Motor Vehicles

Thank you for providing the proof copy of the transcript of my oral evidence to the inquiry. I have highlighted some minor errors in the enclosed copy –

- Page 42 - change the word “business” to read “businesses”.
- Page 42 - change the word “include” to read “includes”.
- Page 43 - change the word “kilometres” to read “kilograms”.
- Page 50 - change the word “assisted” to read “assistive”.

I also note the additional questions from the inquiry members.

1. *“What messages would you like to see regarding powered mobility devices in road safety campaigns?”*

It is a simple matter of extending the “road is there to share” message to include powered mobility devices. Highlighting the fact that many older Australians rely on these devices to be part of the community and drivers, pedestrians and cyclists need to be aware and share the footpath or road.

2. *“The NSW Registration Regulations and Licensing Regulation intend that motorised wheelchairs...”*

- *“Do you consider that a mobility scooter should be a legitimate alternative to a car and would this have an impact on the standard of infrastructure, for example, footpaths that users might expect local government to provide?”*

A mobility scooter or a powered wheelchair is often used for short journeys (typically 1-3 kilometres) where transport by motor vehicle, taxi or public transport is not considered an appropriate, affordable or convenient alternative. Users in rural or remote areas often

have very limited access to both taxis and public transport, and find their powered mobility device is the only means they have of accessing the community. The impact on infrastructure is minimal as even large device spread their weight evenly over the 4 wheels. In areas where high numbers of users congregate, there may be a need for wider footpaths that allow devices to pass each other safely.

- *"What do you see as the drawbacks of buying a mobility device secondhand or over the internet?"*

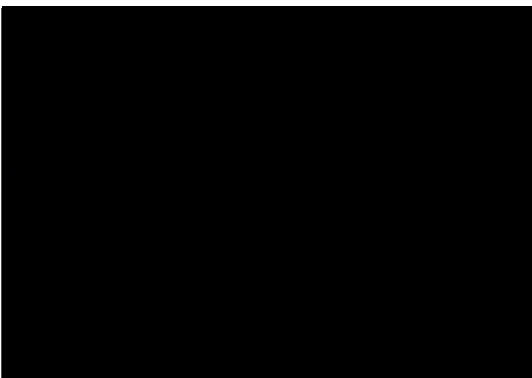
Although a costly process for business, optimum consumer outcomes are only ever achieved by a thorough examination of the individual's capacity to safely operate a device, the environment the device will be used in and the intended uses of the device. This is generally done by trialling several devices with the user in and around their local area. Once the right device is selected, it is generally then programmed to suit the person's capacity and match the local terrain. When devices are purchased over the internet by inexperienced users it often results in the wrong device being selected. It may not have sufficient range, be too large to move in and around someone's home, be impossible for the consumer to independently get on and off and the performance parameters will rarely be optimised to suit the user. With internet purchases and used devices there is also a risk that spare parts and after sales service will not be available.

Examples of some of the innovative devices developed for people with disability for outdoor use include –

- Extreme X8 from Magic Mobility - www.magicmobility.com.au/extreme-x8.html
- GlidR Seat Segway adaptation from SegSolutions – www.segsolutions4freedom.com
- Scout Crawler by Otto Bock - www.ottobock.com/cps/rde/xchg/ob_com_en/hs.xsl/42564.html
- X850 Corpus by Permobil – www.countries.permobil.com/Permobil-Export/Products/Rehab/X850-Corpus/
- 6X6 Explorer Wheelchair by Kemcare - www.kemcare.co.nz
- AddSeat Segway adaptation from AddMovement - www.addmovement.se/en/theaddseat/

This is only a small sample of what has been developed and many of the innovations detailed above are not currently available in Australia. Some of these items would exceed the permissible speed and weight parameters for mobility devices that are currently in place, yet they can offer people with disability an unparalleled opportunity to access challenging terrain.

Thank you again for the opportunity to provide evidence to the inquiry and I look forward to the recommendations and outcomes.



Occupational Therapy Australia - NSW

Additional Questions for the
Joint Standing Committee on Road Safety (Staysafe Committee)
Inquiry into Non-Registered Motorised Vehicles

17 July 2013

Additional questions following the hearing on 24 June 2013

- 1. The Association's submission says that there are no standardised guidelines or assessment tools which can be followed by occupational therapists assessing the capacity of people using mobility scooters (page 3). The Government submission says that EnableNSW requires a clinical assessment and trial by an occupational therapist and the completion of a medical assessment by a medical practitioner before it provides a mobility scooter (Government submission section 3.1.3 page 9).**

Is there a standardised clinical assessment required by EnableNSW?

- A standardised clinical assessment is not required by EnableNSW or other government funding bodies in Australia..
- Occupational therapists applying for funding provide information relating to the clinical assessment that they have undertaken and also factors relating to funding criteria such as frequency of use of the scooter.
- It should be noted that in the Australian Competition and Consumer Commission (ACCC) survey in 2012, only 41% of scooter users had input from an occupational therapist or other health professional when buying a scooter. (page 6)
- Not all people for whom a mobility scooter would be an appropriate mobility option qualify or apply for funding support as safe use is not the only criteria for funding.
- The Association does not have the data regarding the percentage of assessments for mobility scooters by occupational therapists that would also involve an application for funding.

If this is not adequate, who would be best placed to develop a standardised assessment tool?

- In order to develop a standardised assessment, it would need to be determined whether this would be to assess the underlying skills that are required to use a mobility scooter , such as vision, cognitive functioning, physical functioning, etc. or whether it is to determine competencies in using a scooter such as driving forward and in reverse, or both.
- In designing a standardised assessment, consideration would also need to be given as to whether the assessment would be to determine safety for people with disability or licensing requirements for people who would be using a mobility scooter as an alternative to other forms of transport as proposed by some submissions to the Staysafe committee (e.g. Submission by *Scooters Mobility* who suggested that older drivers are provided with this alternative when renewing their driver's licence).
- Assessment tools tend to be developed through research and tools require testing and validation over a period of time. This would require funding for a research project team.

Is research required to establish the skills required to safely use a scooter before an assessment tool is developed?

- As assessment tools can either assess the underlying skills required to use a scooter or assess an individual's capacity to complete a task. It would be expected that the research required to develop an assessment tool would consider this question.

2. Can you describe how an assessment might be carried out? Would the therapist be able to see the person operating the mobility scooter or would the assessment be carried out in a clinical setting?

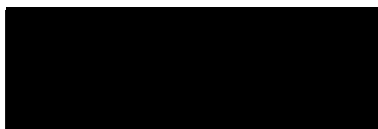
An assessment by an occupational therapist typically would include the following components:

- A general or needs assessment to determine the type of mobility option that would best meet the needs of the person with limited mobility. This would include a discussion regarding type of transport used, where the person needs/wants to go, other mobility options that they use (such as walking frame), carers, storage and access to the home.
- Background medical information and assessment of cognition, memory and physical abilities. Some clinical services request a written referral from a medical practitioner or completion of a medical questionnaire used by funding bodies, before completing a trial with a scooter to assist in assessing affect of medication, vision and cognitive issues.
- A trial using a scooter, in the expected environment of use where possible. This preferably includes in/out of the home and the immediate streets around the home. At times there is the opportunity to trial in other environments such as educational or work setting or going on a train. This depends on the availability of a scooter for a trial and the time restrictions of the therapist involved.
During the trial the therapist would consider the person's ability to get on/off the scooter; awareness of safety issues; ability to steer and use the hand controls; understanding and ability to charge scooter; avoiding obstacles and ability to anticipate obstacles.
- While trials would generally not be undertaken in the clinical setting, this may occur if the assessment is conducted prior to discharge from hospital or due to distance from clinical service to home.

3. The submission says that anyone can hire or receive loan of a mobility scooter through *Shop Mobility Programs* without an assessment and only brief instructions provided by shopping centre staff. Does your Association have evidence that this is an unsafe practise?

The Association does not have data about accidents or near misses relating to people using mobility scooters or to other shoppers.

Yours sincerely



Linda Ford
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Inquiry into non-registered motorised vehicles – Additional questions

- 1. Under current NSW legislation motorised wheelchairs and mobility scooters should be used solely for the conveyance of a person with a disability that substantially impairs the person's mobility, rather than as an alternative form of transport for the able-bodied.**

- Do you think this definition is too restrictive?**

NRMA Motoring & Services (NRMA) believes that the definition of motorised wheelchair and mobility scooter users under the current NSW legislation is not enforceable. Many parts of NSW have very limited transport options especially in rural areas. It is important that people are still able to get around and are able to use all forms of alternative transport including mobility scooters whether they are able-bodied or not.

- Your submission states that mobility scooters were one of the topics discussed at the Ageing Forums the NRMA held across NSW in 2011 (page 2). Did attendees view mobility scooters as a transport aid or as a transport alternative?**

NRMA did not specifically ask Members who attended the Ageing Forums how they viewed the use of mobility scooters.

- The need for better footpaths to accommodate mobility scooters was an issue NRMA members raised at the Forums (page 2). Do you think that there will be an increasing demand for improved footpath infrastructure and what impact might this have on the maintenance and improved of local road infrastructure?**

In July 2011, NRMA held Ageing Forums across NSW where 800 NRMA Members raised issues they faced getting around when they can no longer drive. The use of mobility scooters was an issue that was consistently raised. NRMA Members raised the need for better footpaths to ensure they are safe and can accommodate users of motorised scooters.

NRMA believes that there will be an increasing demand for improved footpath infrastructure which will not only benefit mobility scooter users but all other pedestrians, including wheelchair users and parents with prams.

NRMA understands that there is a high cost of maintaining and improving footpaths. However, improved footpath infrastructure provides pedestrians with a safe walking environment and may help ensure that pedestrians are not forced to use the road instead of a footpath which is unsafe for all road users.

- 2. The submission states that the majority of minor incidents involving mobility scooters are not reported in crash data (page 2).**

- Can you provide the Committee with more information about the under-reporting of minor incidents?**

NRMA does not have any further information of the under-reporting of the minor incidents. However, NRMA believes that this should be investigated to understand the seriousness of the issue.

3. **The *Mobility scooter usage and safety survey*, a 2012 project in which the NRMA collaborated, found that many scooters users live in rural areas, which affected training, safety and servicing (Survey report page 2).**
- **Are the safety issues primarily to do with lack for appropriate footpath infrastructure?**
 - **How difficult is it for people in rural areas to get their mobility scooters regularly serviced?**

The *Mobility scooter usage and safety survey* report was written by the Australian Competition and Consumer Commission (ACCC). The NRMA undertook the fieldwork for the extended survey.

The lack of appropriate footpath infrastructure was raised at NRMA's Ageing Forums which were held in various regional areas across NSW.

People that live in rural areas of NSW generally have difficulty accessing many services and NRMA believes that this could extend to mobility scooter services.

4. **The survey found that scooter users blamed factors out of their control, for example environmental factors, for any lack of safety (Survey report page 2). Does this indicate that more needs to be done to raise the competency of scooter users so that they have the capacity to cope with environmental challenges?**

NRMA believes that more information for mobility scooters users would be beneficial to ensure the safety of all road users, in particular how to deal with environmental challenges.

5. **The survey says on page 4 that 'potentially, large number of users have never been licensed.' This would mean that many users are not familiar with the road rules.**
- **Do you think that the issue is adequately addressed in education programs for mobility scooter users?**
 - **Has there been further work done in relation to the education and training of mobility scooter users following the publication of the survey report?**

NRMA believes that more mobility scooter education programs should be available that provides users with information such as how to use a scooter and the current road rules for scooter users. NRMA continues to run education programs for older road users that covers safe mobility scooter use.

NRMA is not aware of any further work by other road safety stakeholders that has been done in relation to the education and training of mobility scooter users following the publication of the survey report.