

NON-REGISTERED MOTORISED VEHICLES

Organisation: Gosford City Council

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GOSFORD CITY COUNCIL

SUBMISSION

**INQUIRY INTO NON-REGISTERED
MOTORISED VEHICLES**

INQUIRY INTO NON-REGISTERED MOTORISED VEHICLES

TERMS OF REFERENCE

THIS INQUIRY WAS SELF-REFERRED.

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)** Initiatives taken by local Councils and other jurisdictions to certify, register and regulate the use of currently non-registered motorised vehicles; and
- g)** Any other related matters.

Introduction

This is Gosford City Council's submission for the Inquiry into the use of Non-Registered Motorised Vehicles by Staysafe - the NSW Parliament, Joint Committee on Road Safety.

This submission directly answers the terms of reference specified and focuses on the safety aspects of the use of NRMVs on the Central Coast and within the Gosford City LGA, as well as any potential benefits or issues surrounding their use, with particular emphasis on mobility scooters and power assisted pedal cycles.

Council has been involved in a range of strategic planning initiatives over the past few years that will result in economic growth and development which will allow access for all and help keep the Central Coast moving. These include the Community Strategic Plan, Gosford Vision 2025, The Gosford Bike Strategy 2011, Regional Economic Development and Employment Strategy, Our City Our Destiny Gosford City Centre Masterplan, The Landing at Gosford Masterplan, the Positive Ageing Strategy and the Gosford Local Environment Plan to guide future land uses.

With people looking to the future to find the easiest, most economic and efficient transport options around for their daily needs, as well as use for commercial and recreational purposes, it is not surprising that alternative methods of transport are being explored and exploited.

It is appropriate therefore to examine the potential benefits, risks and directions these will take and whether there is a need or not for regulation.

In 2002, a report was produced by the Council of the Ageing in the ACT titled "Scooter Safe Policy Implications & Recommendations, related to use of Electric Scooters and Wheelchairs in the ACT". It investigated the situation with motorised wheelchairs / mobility scooters as non-registered motorised vehicles. The comprehensive report covered the following areas:

- *Demographics and Information Gathering*
- *Scooter Use*
- *Supply of scooters*
- *Training scooter users*
- *Road and pathway infrastructure*
- *Use of Scooters on Roads*
- *Legislation and insurance*
- *Pedestrian and Motorist Awareness*
- *Registration*
- *Skills Experience and Licensing of Scooter Drivers*
- *Third Party insurance*
- *Clarification of Inappropriate Pedestrian Rules*
- *Improvement of road and pathway networks*
- *Increased awareness by car drivers of scooter limitations*
- *Code of practice for suppliers*
- *Lobby for specific standard for motorised scooters*
- *Examine the upper limit of speed of scooters*

Reference is made to this report throughout this submission due to its relevance. Reference is also made to the **Mobility scooter usage and safety survey report** from the ACCC, NRMA Motoring & Services, CHOICE, Enables NSW and Flinders University in September 2012. This was a collaborative project designed to provide a better understanding of the demographics of mobility scooter users, and patterns of use, amongst the Australian population.

Following the survey, it was resolved that the relevant partners would work together to:

- raise the awareness of all road users (motorists, pedestrians, cyclists and scooter users) of the changing nature of mobility in Australia and how to safely integrate scooters into Australia's transport mix;
- communicate the importance to scooter users of safety items such as flags and reflectors to increase their visibility and safety on the road; and
- investigate training that is currently available to users, whether it is readily accessible and what type of training is most effective in delivering increased safety for all road users.

The conclusions drawn in this submission are not dissimilar to those in the report.

Background on Gosford and the Central Coast

The Central Coast covers an area of 1,855 km²; it encompasses the two local government areas of Gosford City (1,024 km²) and Wyong Shire (827 km²). The Region stretches from the Hawkesbury River in the south to the shores of Lake Macquarie in the north. It is bordered by the Pacific Ocean to the east and the Doorlong and Yarramalong Valleys and Mangrove Mountain Plateau to the west.

Gosford City Centre is designated as the Regional City in the Central Coast Regional Strategy 2006-2031.

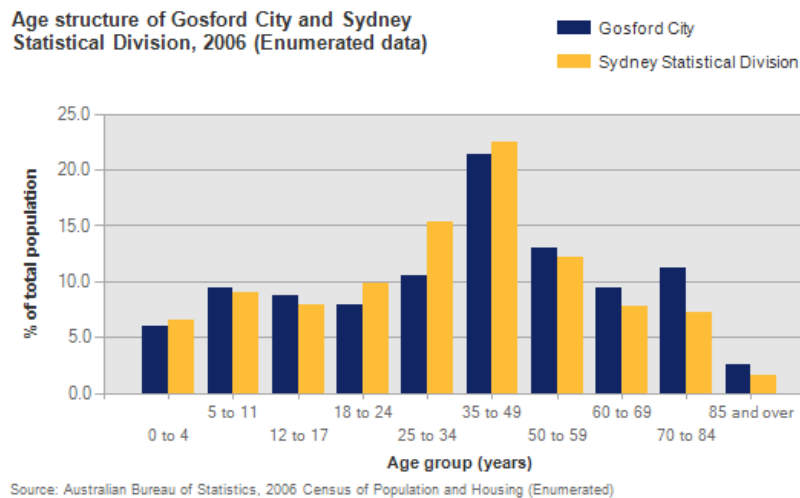
The Central Coast's population in mid 2010 was 319,715 of which 168,188 live in the Gosford City Council area and 151,527 Wyong Shire. This places the Central Coast as the 9th largest urban concentration in Australia, after the five mainland state capitals and the national capital. It has the third largest regional population after the Gold Coast-Tweed region and Newcastle.

According to Census data there are about 141,000 employed people living on the Central Coast and about 38,000 people a day who commute outside the region to work, mostly to Sydney.

The Central Coast Regional Strategy sets out a framework to guide sustainable growth within the region over the next 20 years. It provides a plan to accommodate an additional 100,000 people expected to be living in the region by 2031. The strategy supports creating the capacity for over 18,000 jobs in the Gosford Local Government Area, including 6,000 jobs in Gosford CBD and 12,000 jobs in the remaining centres, suggesting a high increase in recreational and commuter travelling over the next 20 years.

IN THE YEAR 2025, Gosford boasts a balanced, integrated, environmentally friendly transportation system that responds to the region's unique geographic and mobility challenges. (Gosford Vision 2025)

Figure 1.2 - Age structure of Gosford and Sydney, 2006
Source: Australian Bureau of Statistics Census 2006

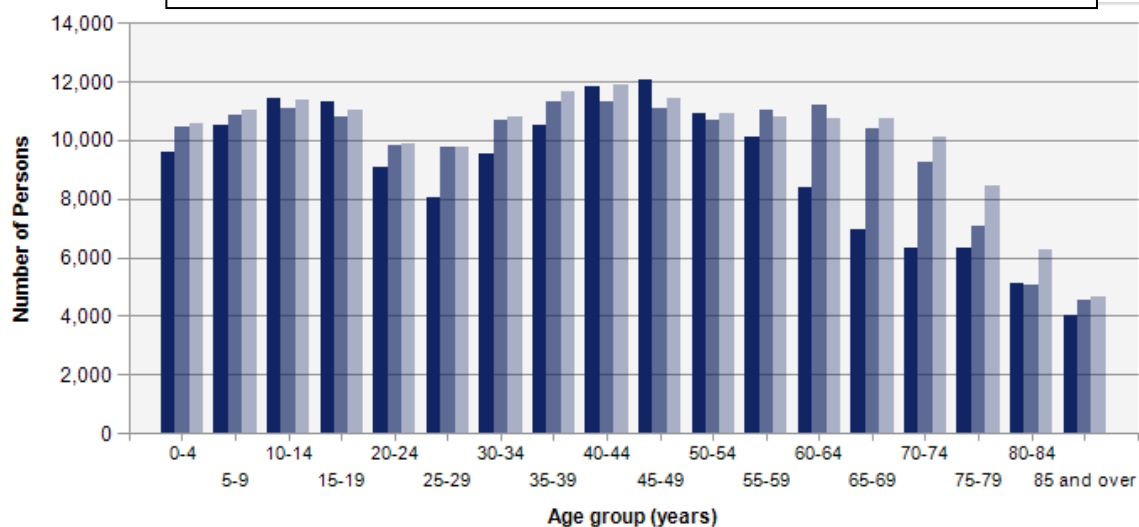


Studying the demography of the area reveals a broader understanding of the current and future levels of usage and infrastructure requirements. According to the Australian Bureau of Statistics Census 2006, the total population of Gosford in 2006 was 166,361 of which about 23.2% is above the age of 60.

The data on **Fig 1.2** also shows a larger proportion of people in the younger and older age groups compared to Sydney Statistical Division.

According with **Fig 1.3**, the percentage of the older population is expected to increase substantially by 2031.

Figure 1.3 - Gosford City Council Forecast age structure, (5 Year age groups)
Source: Forecast id-Gosford City Council



mobility limitations, including young, elderly and people with disability.

Responses to the Terms of Reference

a.) The current status of non-registered motorised vehicles in road rules definitions and extent of road safety problems related to their use;

The Australian Road Rules do not clearly define non-registered motorised vehicles (NRMVs) and they are collectively classed together and referred to as NRMVs by the common aspects of their definition, being that they are motorised and that their registration is not required. There are separate definitions for different motorised vehicles.

NRMVs fall under one of 2 main types under the Australian Road Rules for their use by their design, capacity, power output, etc.;

- They don't require registration but are still classed as vehicles and can be used on the roads, footpaths etc
(*mobility scooters/motorised wheelchairs, power assisted bicycles*),
Or,
- They are vehicles that are prohibited from use on the roads, footpaths etc.
(*mini-bikes, segways, motorised scooters/skateboards/wheelmans*)

Council notes for one of these vehicles there is an inconsistency in the terminology used across the community. The term used by NSW Roads and Maritime Services is '*motorised wheelchairs*', whilst the commonly used term, including that used in this inquiry is '*mobility scooters*'.

Council has observed an apparent rise in the number of people making use of some of these NRMVs within the LGA, however Council is not aware of any notable safety issues or concerns about their use.

In a joint mobility scooter safety survey in 2012 between the ACCC, NRMA and Flinders University, the extended survey results indicated that:

- 88 per cent of scooter users feel safe when using their scooter;
- most users (72%) employ at least one safety feature from a short-list of commonly used features, with visibility flags being the most common safety feature used.
-

However, from a safety perspective there have been incidences of mobility scooters unable to access certain locations or toppling over with the users incurring some minor injuries as a result. A program of remedial works is being planned to upgrade access ramps and pathways to accommodate for the increased use and to allow for accessibility.

In Gosford, some of the local roads still do not have pathways and therefore users have to travel along the roads to gain access. In these situations Council is considering prioritising funding for the installation of foot paths or shared paths through future capital works programs, on a case by case basis. It should be noted however that 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.

Whilst the use of mobility scooters may coincide with a rise in the ageing population within the area, the past few years has also seen a parallel increase in the use and occurrences of power assisted bicycles, both electric and petrol driven.

Council encourages the use its existing cycleway/shared path network by all appropriate modes of travel including the responsible use of compliant power assisted bicycles.

The road safety problems resulting from the use of NRMVs is currently hard to determine due to inadequate legislation not allowing some form of registration. Being Non-Registered limits the

reporting opportunities to better understand road safety implications. It should be noted that the same safety problems created by these devices exists in the off road area e.g. shared paths.

Councils approach to the use of NRMVs reflects the aims of the Staysafe Committee in wanting to ensure that all these said vehicles themselves are safe to use and that they are used responsibly in accordance with existing legislation.

b.) The adequacy of data collection for injury and fatality rates arising from the use of non-registered motorised vehicles;

On the whole there is little to no recorded data regarding the use of NRMV's across Australia.

However in August 2002 The Council on the Ageing (ACT) report titled: Scooter Safe Policy Implications & Recommendations related to use of Electric Scooters and Wheelchairs in the ACT stated:

"...as we have no way of knowing how many people are using scooters; and do not record accident statistics for scooter users (they are classed as pedestrians) we have no way of judging the impact of increased use on road safety."

[Scooter Safe Policy Implications & Recommendations related to use of Electric Scooters and Wheelchairs in the ACT: August 2002]

In 2010, The Australian Competition and Consumer Commission through Monash University Department of Medicine conducted a study into accident data. The aim was to enhance the understanding of the problems associated with motorised mobility devices to determine where injury prevention efforts need to be focused.

They conceded:

"Following various publications and media reports on the growing problem of motorised mobility scooter-related injuries, the Australian Competition and Consumer Commission (ACCC) called a national reference group meeting of key informant agencies in September 2009. The reference group agreed that currently mortality and injury data, in its present form, is too limited to gain an accurate understanding of the extent of the problems regarding motorised mobility devices."

They went on to say:

"Casual factors related to the number of deaths and injuries involving mobility scooters currently presents a critical gap in our understanding of the hazards associated with motorised mobility devices. This understanding is essential before determining the focus of strategies designed to minimise risks."

[Targeted Study of Injury Data Involving Motorised Mobility Scooters: Australian Competition and Consumer Commission 2010]

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.

Enquiries also reveal a lack of accessible and recorded data by the NSW Police as there is no requirement in legislation to report or record such information unless it involved a registered motor vehicle and injury as currently defined in legislation.

In the 2010 study by the ACCC there is, however, some usable hospitalisation data.

The data came from hospitals across Australia, specifically from Victoria and Queensland between 2000 and 2010.

- Between 2000 and 2010 across Australia there have been 62 fatal accidents of people most aged in their 60s to 90s involving a motorised wheelchair/mobility scooter collisions or falls, with the possibility of hundreds more injured each year and requiring hospitalisation from accidents with them.
- 47% of motorised wheelchair/mobility scooter related deaths were the result of a collision between a mobility scooter and a motor vehicle (mostly cars and most were when seemingly attempting to cross a road/moving into the path of a vehicle).
- 44% of motorised wheelchair/mobility scooter related deaths were the result of falls
- 5% of motorised wheelchair/mobility scooter related deaths were as a result of losing control.
- 442 motorised mobility scooter fall injury hospitalisations in Australia over the two year period July 1 2006 to June 30 2008.
- Overall, males and females were evenly represented (approximately 50% each), however there was a higher proportion of males in age groups 60-64 years (54%), 65-69 years (58%), 80-84 years (52%) and 90+ years (55%) and a higher proportion of females in age groups 70-74 (52%), 75-79 (56%), and 85-89 (52%).

Cause of Death

- 39% of cases died as a result of sustaining a head injury which was commonly documented as either a subdural haematoma, cerebral haemorrhage, intracranial haemorrhage, craniocerebral blunt trauma or a severe head injury.
- Other common causes of death were cardiac failure 18% and respiratory failure 5%, with or without limb fractures, multiple injuries 10% and pneumonia 5%.
- 14 fatalities relating to motorised wheelchair/mobility scooter related deaths were reported to an Australian Coroner between 1 July 2000 and 28 July 2010 and were still open at the time of the study and yet to have the coronial investigation completed so details surrounding the circumstances of these incidents may be subject to change.

In Victoria, between 2000-2009, for motorised mobility scooter related hospitalisations:

- 61% of incidents were the result of falls.
- 13% of incidents were the result of a collision between a scooter and a motor vehicle (mostly cars).
- 7% of incidents commonly occurred as a result of a collision with other objects.
- 6% of incidents occurred as a result of rolling the scooter or being tipped from it.
- 2% of incidents occurred as a result of a collision with unspecified objects.
- 11% of records did not provide any further details on the circumstances of the injury event.
- The total hospital costs of mobility scooter fall injury hospitalisations in Victoria over the 2008/9 financial year were \$487,232.

In Queensland, between 2000-2009, for motorised mobility scooter related hospitalisations:

- 69% of incidents were the result of falls.

- 12% of incidents were the result of a collision between a scooter and a motor vehicle (mostly cars).
- 7% of incidents commonly occurred as a result of a collision with other objects.
- 5% of incidents occurred as a result of rolling the scooter or being tipped from it.
- 7% of records did not provide any further details on the circumstances of the injury event.
- The total hospital costs of mobility scooter fall injury hospitalisations in Victoria over the 2008/9 financial year were \$487,232.

[Targeted Study of Injury Data Involving Motorised Mobility Scooters: Australian Competition and Consumer Commission 2010]

It is interesting to note that departments and organisations directly related to road safety, Police, Local & State Government, etc., do not record any specific detailed information or have any level of data capture relevant to these NRMVs. The level of detail or information of any data that is recorded is often limited to just the general type of vehicle for example bicycle, motorbike, car, truck, other, etc., or pedestrian.

However it is found that hospitals medical specific data can provide clues to the causes of the injuries. For example hospitals not only record that injury was due to a fall but that it involved a motorised wheelchair/mobility scooter as well as an account of how it happened.

Data is always regarded as useful and the need for collecting such data and its potential use would not necessarily be superfluous to the main focus of the more serious matters of road safety and traffic policing, such as speeding, drink driving, traffic offenders and other road safety education programs, etc.

Properly collect data would be an invaluable source of reference for statistical studies, analysis, comparisons and could even be used evidential to support and dispute a case example, for the development of a policy or plan even, especially where there was previously nothing to refer to. Council would therefore like to see more data collection of this type for the future.

c.) Vehicle standards requirements for non-registered motorised vehicles, including vehicle design, engine capacity, mass and speed controls;

The Australian Road Rules (ARR's) and Australian Design Rules (ADR's) set the criteria for the requirements for vehicles in Australia. This includes motorised and non-motorised vehicles.

There are no generally established standards for NRMVs except for Australian Design Rules for each type of vehicle. These are Australia's national technical standards for vehicle safety, theft resistance and emissions and vary from product to product. The Australian Road Rules currently provide a definition of each type of NRMV, to which they must comply to be used legally or are otherwise prohibited.

The lack of appropriate vehicle standards for NRMVs is being reflected in the poor reporting data available and hence the inability for local government to properly address both the road safety and societal issues being raised by their use.

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;

In partnership with Wyong Council, Gosford City Council is undertaking a Regional Positive Aging Strategy. By 2012 the number of people aged over 60 years in the area is expected to rise significantly. This strategy will provide a strategic approach to respond to the challenges and opportunities and to better meet the needs of our ageing populations in the future.

The overall aim of the strategy is to support older residents to lead healthy, active and independent lives as they age, providing access, enhancing participation and improving quality of life. For example, one component of the Strategy will review the use of recharge outlets in the LGA's for mobility scooters.

Council is of the firm belief that education is a vital part of improving the quality of life for users and are very much in favour of the training of users of motorised wheelchairs/ mobility scooters. Currently there is no training available and no initial training provided when acquiring a mobility scooter for the first time. There are no training providers and there are no formal qualifications for trainers or for users.

For other NRMV's, Council believes there is no existing education, skills and competency training that meets any current needs and demands as most are prohibited.

Council has serious concerns relating to the lack of any education for users of motorised wheelchairs/ mobility scooters. There is also concern for the lack of information available to drivers of registered motor vehicles in relation to the use of motorised wheelchairs/ mobility scooters on roads.

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.

To address this gap, Council has in the past run successful information sessions for seniors and currently has a joint program for seniors between Gosford & Wyong Councils, where resources are supplied at events such as flags, vests and information. This program reinforces basic road safety awareness to this target audience.

Council considers that a more involved and established or recognised program of education needs to be implemented. To be successful it would need to be well researched, planned, designed, implemented and evaluated appropriately. This would take time and financial resources and would preferably be a partnership arrangement between Gosford and Wyong Councils, Brisbane Water and Tuggerah Lakes Police, and possibly other partners.

However, the logistics of delivering such a program presents some problems that need to be overcome.

Council believes a central facility should be used for such training but is concerned about the ability of people who use motorised scooters to be able travel to and from a central facility, such as our purposes built CARES facility in Palmdale.

Other possible options for such programs could be to run them across the LGA at Senior Citizen Centres or at large community centres of which Council has several. There could also be opportunities for partnership programs to be designed to incorporate working through these centres, with Council and NSW Police support along with the support and demonstration of local suppliers of the motorised scooters.

e.) Insurance implications of injuries and fatalities sustained and caused by non-registered motorised vehicles;

Council is concerned about the ability of users of motorised wheelchairs to be effectively insured for all occurrences of liability. Research has shown there are options available for users.

The COTA (ACT) 2002 report on Scooter safety also identified the same concerns and offered the same observations:

A significant problem exists in terms of insurance and liability issues for scooter users. Users alerted us early on to this problem and it took considerable effort to attempt to resolve it. As scooters are not covered by any form of registration requirement, they do not necessarily carry any third party insurance cover.

A scooter user travelling along a road and causing injury to a person or damage to property could be sued for damages. In NSW the "Nominal Defendant Scheme" covers scooter users. That also appears to be the case in the ACT. However that does not necessarily cover all situations. A scooter user who enters a shopping mall, for example, and causes damage or personal injury may not be covered.

It is by no means clear that a scooter user in the ACT would be covered for all situations that might arise on the road.

An obvious solution is to insure the scooter with some form of third party liability insurance. However, identifying suitable coverage has continued to prove problematical. The NRMA Scooter Group sought help from the Insurance Council of Australia to canvass members about coverage. Answers were either not forthcoming or were ambiguous.

To date the only company with a clear policy perspective is IAG. Under a home contents policy, if a client indicates that a scooter is a "specified and mobile item", then the driver will be covered for public liability. Other insurers may also offer such cover, but as we could not get clear and/or consistent answers it seems unlikely that users will be able to be confident that their insurer covers them.

[Scooter Safe Policy Implications & Recommendations related to use of Electric Scooters and Wheelchairs in the ACT: August 2002]

From research Council feels confident in the fact there is adequate insurance available for all NRMV users and their vehicles. This includes insurance for power assisted pedal cycles and motorised wheelchairs/mobility scooters for the following;

- **Coverage for loss or theft.** (not of direct relevance here.)
- **Coverage for "Third Party Property"** on the road. A user could be responsible for damage to another vehicle. For example, scraping the side of a car while manoeuvring on the side of the road.
- **Coverage for personal injury to other individuals.** For example, a scooter could potentially "run over" a young child and cause personal injury. Likewise it is possible for an individual to be knocked by a scooter and to be injured.
- **Coverage for damage** to a shop or other property while not on the road or road related surfaces.

Council is also concerned that without adequate insurance, our ability to claim damages to Council property by these devices is severely restricted.

f.) Initiatives taken by local Councils and other jurisdictions to certify, register and regulate the use of currently non-registered motorised vehicles; and

Council.

As there are no legislative requirements for registration and only vague regulations on their use, this Council, apart from giving information sessions to Seniors, has no role, or would accept a role, to certify, register or regulate NRMVs under the current legislation.

g.) Any other related matters.

Council recognises that the greatest feedback it receives is regarding the provision of adequate and appropriate infrastructure for use by NRMV's (mainly mobility scooters and power assisted pedal cycles. For many it is the need for separation from the main traffic.

Council has provided a network of shared path/cycleways that are made good use of by the community for recreation and commuting purposes and they are popular tourism attractions too.

Whilst Council has reasonable infrastructure for footpaths and shared pathways, it is recognised that the greatest area of concern is for mobility scooter users. Through a sustained and structured approach Council aims to reduce the risk of incidents and accidents involving mobility scooters by providing better infrastructure across the LGA where possible.

Summary

Council has made reference in this submission to the 2002 COTA (ACT) report and in conclusion concurs with it in many areas.

The requirement of registration of NRMVs including motorised wheelchairs/mobility scooters and power assisted pedal cycles may be an over-amplified call from the minority. However, such an approach could provide solutions to the:

- Management of numbers and types;
- Issues related to third party and public liability insurance;
- Provide a mechanism to ensure that users of scooters have some education about their use; and
- Work towards reducing the risks of incidents and accidents involving mobility scooters.

The definition of certain NRMVs, in particular motorised wheelchairs/mobility scooters requires more clarification in relation to legislative requirements for reporting so that adequate data can be obtained for better investigation of incidents and for provision of infrastructure to support their use..

Council recognises that the COTA (ACT) Report highlighted the definition for motorised wheelchair/mobility scooter users as pedestrians as being problematical in terms of addressing road safety which causes legislation to apply to mobility scooter users in inappropriate ways. There are varying views on the definition by jurisdiction which could lead to confusion given that people have been led to believe that we now have uniform road rules.

For example, currently an Australian Road Rules and NSW Road Rules requirement is for motorised wheelchairs/mobility scooters to travel at speeds not excess of 10kph on level ground but this Australian Design Rules standard is not consistent across Australia. Clarification and a common application of the definition is required.

Like the COTA (ACT) Report, Council believes registration of certain NRMVs (motorised wheelchairs/mobility scooters) in coordination with an appropriate and recognised education and training program, under a special vehicle registration category could facilitate several benefits including:

- Measurement of their numbers in use;
- Their respective ages; and
- Provide a means for ensuring that only those suitable for use on paths and occasional road use are permitted.
- Any registration should include provision of a “third party” insurance coverage to protect people who may be injured, or property that may be damaged by scooter users.

Council believes that there is some merit in establishing a regular mobility scooter education program that requires all new and existing scooter users to attend before their scooters can be “registered” for use in public places

Council also believes that the education process should include all drivers as an information awareness campaign upon registration and/or licence renewal. Information should specifically cover aspects that relate to all vulnerable road users, providing motorised wheelchair/mobility scooter, power assisted pedal cycle, bicycle awareness and pedestrians.

Council considers that alongside the established alternative transport modes certain NRMVs (mobility scooters and power assisted bicycles) will play an important role in Gosford’s vision to provide a range of accessible, multi-modal transportation options that are sustainable and responsive to current and future community needs.