

NON-REGISTERED MOTORISED VEHICLES

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Submission to the NSW Non-Registered Motorised Vehicles Inquiry

Please note that this submission centres around scooters and powered wheelchairs, used by people with a disability and older people, with particular emphasis on scooters.

This has been provided by occupational therapists employed by ILC Tas. ILC Tas provides professional information, advice and education about equipment that can help people to maintain their independence.

a) Current status in road rules definitions

There are inconsistencies regarding the registration or non-registration of scooters around Australia.

In the Tasmanian Road Rules scooters are not referred to specifically except in the context that they are not classified as a motor vehicle if they travel at less than 10 kph. Their only status is as 'pedestrians' yet they are motorised devices which can be involved in accidents causing damage and injury.

Queensland's rules are the opposite of what happens (or is supposed to happen) here in Tasmania:

- In Queensland, less than 10 kph scooters **have to be** registered, and greater than 10 kph scooters **cannot be** registered.
- In Tasmania, less than 10 kph scooters **are not** registered, and greater than 10 kph scooters **have to be** registered.

Queensland registration is free but paperwork, including a medical certificate, has to be submitted. Registration in Queensland does not mean that scooters can be ridden on roads. Compulsory third party insurance is included. We are not aware of any scooter registrations in Tasmania and discussion with a representative from the Department of Infrastructure Energy and Resources (DIER) indicated that they do not currently have a process for this, and are unaware of the costs associated with registering a scooter.

People in Tasmania who would purchase a greater than 10 kph scooter to travel further and faster and are required to go on roads, would find that in Queensland they would be very restricted about where they could use them (ie private property, farms, etc). The pamphlet from Transport and Main Roads Queensland suggests 'inside the home' (which is OK if you live in a spacious ground floor dwelling but a challenge in a traditional Queenslander home with steps).

The Queensland Dept of Transport and Main Roads website shows a lot of information about scooters. DIER in Tasmania has very little, presumably because less than 10 kph scooters don't have to be registered. It looks as if Queensland suppliers are encouraged, but not required, to discuss the brochure contents with prospective purchasers.

b) Adequacy of data collection

Unable to comment on government-collected figures but number of scooter related enquiries to ILC Tas and to other ILCs around Australia could be relevant.

c) Vehicle standards requirements

What are the standards for scooters which travel at less than 10 kph? As non-registered devices (in Tasmania), they are not classified as vehicles so there appear to be no requirements. How do registration authorities in states where all scooters must be registered, e.g. Queensland, apply vehicle standards?

If vehicle standards relate to cars, trucks, etc how are standards for scooters defined? In Tasmania, DIER does not need to apply standards to non-registered devices but if registration for scooters becomes a national requirement DIER would need to have procedures for applying them?

Does DIER actually have any procedures? At present, the stated legal position in Tasmania is that greater than 10 kph scooters must be registered but does DIER really have procedures for registering them? Are they doing it? Does Tasmania Police enforce it? (ILC Tas occupational therapists have observed greater than 10 kph scooters in Tasmania on footpaths, in shopping centre etc, and not displaying registration plates.)

d) Education

There is no legal requirement for scooter training for non-registrable (less than 10 kph) scooters.

Resources like the COTA video are helpful for people who see it but this is not compulsory and is not a substitute for effective training.

Clients at ILC Tas sometimes demonstrate that they do not have the necessary skills. ILC Tas could assess competency and provide training if resourced. A report would need to be recognised and accepted.

However, if a scooter does not have to be registered, which authority is going to require and enforce this? Users will not likely to be obligated to undertake training. Also if clients have to pay for the training, there may be further disincentive. But if the training was free or subsidised, how will this be funded?

e) Insurance implications

In Tasmania, MAIB only covers personal injury when people are involved in registered-vehicle accidents. There is no third party cover for non-registered users.

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

Our concern is 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. There would be no advice given by DIER as there are no vehicle transfer procedures/requirements for non-registered scooters.

f) Initiatives taken by local authorities etc

We are not aware of any in Tasmania, except that Metro buses will carry scooters subject to certain conditions.

ILC Tas has written a booklet '*Motorised Mobility Devices: Scooters and powered wheelchairs*' with funding assistance from MAIB and Home and Community Care (HACC). This was published in October 2012 and more than 3,000 copies have been distributed around Tasmania to date.

g) Any other related matters

The Inquiry needs to recognise that registration requirements are not uniform across all states.

What are suppliers told about the registration requirements for scooters they sell? Should suppliers be obliged to tell purchasers about registration requirements for greater than 10 kph scooters? (At the scooter expo in Hobart the supplier of a greater than 10 kph scooter appeared unaware of the registration issue pertaining to his scooter and somewhat dismayed by it.) If it is not compulsory for suppliers to provide this information will they be reluctant to tell people about it because they may lose a sale if a prospective purchaser is deterred by the registration requirement?

If a greater than 10 kph scooter can be 'down-calibrated' to a 10 kph speed limit (and some suppliers says this can only be done during manufacture), in order to be non-registrable, should the scooter display a sticker stating that this has occurred? If a greater than 10 kph is involved in an accident the police would deem it to be capable of (and to have been travelling at) a higher speed even if it had been rated down, and without a sticker or other evidence there would be no proof that the user had been travelling at less than 10 kph.

Customised scooters also need to be considered. If a scooter is customised would it affect the ability to have it registered?

Conclusions

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.

As a NSW parliamentary committee is behind the inquiry we wonder whether it will concern itself with what happens in other states. If the Inquiry is NSW-centric it might not, but this isn't clear from the terms of reference. If resolution of anomalies is a goal it might need willingness by all states to pool their wisdom and standardise the rules.

Registration should confer third-party insurance cover.

In Tasmania, there are laws pertaining to greater than 10 kph devices but they are not widely known about by users and suppliers, they are not observed and they are not policed unless there is a serious breach, e.g. injury-causing accident. (The police officer at the scooter expo said she thought it most unlikely that a user of a greater than 10 kph scooter would be challenged if they were on a footpath but not causing a problem.)

At ILC Tas, 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. In Tasmania, the Police approach to greater than 10 kph scooters seems to be discretionary and potentially inconsistent, and users of these scooters are often not aware of their legal position.

Queensland has also produced considerable information for consumers (at <http://www.tmr.qld.gov.au/Travel-and-transport/Disability-access-and-mobility/Travelling-with-a-wheelchair-or-mobility-scooter.aspx>).

ILC Tas would also recommend education for prospective buyers and that obligations be imposed on suppliers to provide information about safety, registration and other important matters.

We are happy to be contacted for more information or for further clarification.

Thank you for the opportunity to provide input to this Inquiry.

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