

**Submission
No 72**

NON-REGISTERED MOTORISED VEHICLES

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Date Received: 16/05/2013

Dear Staysafe committee.

Apologies for the late submission.

I hope the information below can be of some assistance to you.

Regards

Shane Simpson

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Marrickville Council.

I would like to make a few points from a disability policy perspective and possible impacts to users of motorised mobility aids. The first one being that of assumed competence - in light of human rights instruments such as the UN Convention on the Rights of Persons with Disabilities (CRPD) the basic starting assumption should be that users of scooters (and similar items) are competent to use and operate them safely.

- There will of course be instances where people are poorly matched to their mobility aid particularly when they have had little experience of such aids prior and are still understanding their reduced mobility. This is particularly so where reduced capability are age related and accompanied by reduced sensory (sight/hearing) elements as well. However if the aim of the exercise is to address all users of such equipment then you cant presume everyone is unsafe to begin with as this is not true.
- Two things come to mind in regards to mobility scooter users as opposed to other mobility aid users and this tends to be so whether they are older or not. When a persons ability and condition declines people tend to become more reliant on the device they are accustomed to, secondly they then tend to expect it to work outside of its design specifications or the context to which it was originally intended (eg just to save me walking to the corner shops). This can mean when walking becomes harder the person may start to want to use it indoors, within shops, accessible toilets and shopping centres, and on bus and trains. The effort of transferring and the return of the walking difficulty encourages usage patterns that are more appropriate to something designed for that range of tasks – a wheelchair for example.
- If the person chose wisely this is not such an issue however sometimes the scooter is just too big, doesn't have the turning ability or is not stable in the new environments asked of it. This is an area where greater consumer education and helping people make realistic choices about their needs and expectation would be very beneficial.
- However these issues and 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.
- As an example a 'precaution' that now seems to be standard is to limit overall speed of both power chairs and mobility scooters. However there are also safety issues to the user as a

result of a cap on the speed some aids can travel at. If you looked at the number of years people have used power wheelchairs and the number of accidents caused by speed and careless behaviour on the part of the user I'm confident you would find a very low incidence rate. I don't think the data is looked at closely would confirm that users are inherently incapable of driving their chosen aid.

- Limiting a persons speed to walking pace increases the likelihood of attack and abuse. Delays on an aids response to accelerating, turning etc can also make driving more difficult and in some instances actually contribute to the devices instability. There is sufficient evidence to indicate people with a disability are not immune from acts of violence and robbery. Some of which is based on disability hatred, bullying etc. There was a report a few years ago from London that uncovered the dynamics of this victimisation.
- A consequence of people being able to get out more into increasingly accessible environments is they are regarded as new and can even be feared by some people in the same way some migrant groups experience racism and violence when first arriving, disability can be a precursor to similar reactions. So while you wouldn't want the speed to propel its user past a safe threshold nor do you want to inhibit it to the point that the restriction has in fact caused a greater vulnerability and a message for example that scooter users are all slow and clumsy.
- So from a safety perspective it is no more responsible to limit a persons ability to 'flee' safely than it is to 'protect' them and others from potential pedestrian collisions. The inquiry and subsequent recommendations needs to carefully look at that should any performance restriction be advocated for.
- I think that issue alone helps to highlight that generally speaking its not that useful to address electric bikes, quad bikes, mobility scooters and power wheelchairs together. While this may be administratively convenient the uses and user characteristics are not, they are in fact very different as are the reasons for using the 'non registered motorised vehicle'. A fundamental issue is that people who use a mobility aid as their primary and/or only form of mobility must be addressed differently from those who choose to augment their walking capacity via motorised options.
- There are also a raft of technical and legal questions involved (e.g. DDA and a number of UNCRPD articles triggered) and it is not appropriate to treat them the same. As a measure, if any reduction or disadvantage (financially, liability, obligation) was to result from proposed restrictions to a persons pedestrian experience, than I think you would have to look at exempting a primary user of motorised aids from that requirement. Otherwise they may be penalised while other non registered motorised vehicle users would only need to revert to their pedestrian mode. If you don't have that option with the same opportunity than you should not be regulated by the same (or any) controls outside of those already upon a pedestrian.
 - 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.

- I feel the inquiry TOR are too limited, they need to explore 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. This is needed in order to gain a realistic understanding of why people **need** such aids beyond noting they are increasingly popular. While there is more risk in more use the same is also true that there is less overall road risk if there are less vehicles 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.
- If I can just go back for a moment to the mobility device we need to also be mindful that there are a large range of new devices that augment and extend distance, capacity and the terrain that can be travelled on. Segways present opportunity to navigate terrain otherwise impossible for those with limited mobility i.e. stairs, extreme hills and sand. There have been/are adaptations to the basic operations of a Segway to bring such technology to the market of people with a disability – including pivoting power wheelchairs. In addition there are quick release motorised/powered wheels that can be added to a wheelchair frame that provide power assisted drive force to a user with limited upper limb strength. Add on powered drive wheels are available now that allow a manual wheelchair to roll onto the pod, connect and effectively become a non-registered motorised vehicle in seconds. but it is an expanding market that has seen a lot of growth recently probably due to advances in battery design. Right now these are expensive options but in time with reforms including the NDIS they will be affordable to a much larger range of people.
- In regards to training and education needs, while some orientation and education is always necessary sense should prevail. My own operating manual for my wheelchair (it's a common model) clearly states up front that I should not sit in it or take it outside without supervision. There are a plethora of similarly redundant and condescending warnings that aim to alert you of all possible risks and dangers of the device or more specifically of using it. Basically if you adhered to the warnings you would not be able to independently use the very wheelchair specifically designed for independent use. To a degree the same contradictions have often been applied to technologies aimed to assist a persons mobility through motorised power.
- I doubt any adult cyclist is advised not to take their bicycle outside or use it without supervision. The same level of sense and user competence that applies to bicycle users needs to apply to other mobility equipment designed for people with limited mobility. The inquiry and any subsequent regulations should respect that principle.
- In summary I don't think we are dealing with apples and apples here even though they may all have a motor and in the eyes of the inquiry be the same. I also think it is nether a simple nor appropriate aim to regulate independence by attempting to remove all possible risk.

Realistically we have now passed the point with technologies where a one size fits all model is a practical way to accommodate pedestrian difference or regulate it. The last thing I think we should encourage is to create a circumstance where people aren't allowed to have or effectively use essential mobility aids that would increase their independence, happiness, health, wellbeing and economic and social contribution to society.

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