



Submission to the NSW Staysafe Committee on Non-registered Motorised Vehicles (Inquiry).

Scooters Australia Pty Ltd
April 17th, 2013

Our submission relates to Mobility Scooters only, and no implications can be drawn from this submission in relation to other non-registered motorized vehicles.

A. Road Safety and status

(i) Safety

There are no significant road safety problems with regard to Mobility Scooters. In research presented to the ACCC Reference Group on this issue in 2009, it was claimed that deaths “associated” with mobility scooter use was in the vicinity of 70 for the previous 8 years. Further research by Monash University put this figure at approximately one death per year in Victoria over a similar period.¹

The original PhD research presented to the ACCC group stressed that there were no reliable statistics available to draw any authoritative conclusions regarding the causes of these deaths, and we are not aware of any changes to that situation. It appears that hospital and other records do not allow any clear conclusions to be made regarding the accuracy of these estimates.

However, even if we accept the 70 figure as being an accurate account of total national deaths *caused* by mobility scooter use, rather than merely associated with their use, this averages out to one death per state per year for the period – hardly what can be described as a “problem”.

This compares to 549 deaths of pedestrians aged over 70 in the period 2000-2008, 840 drivers aged over 70 and 432 passengers.² While it is not statistically reliable to compare the use of vehicles with scooter use (because of the lack of statistics on distance traveled by each mode for the 70+ age group) it is nevertheless clear that one death per state per year does not compare with deaths in this age group directly caused by motor vehicle use.

Moreover, there is a disproportionate number of people aged over 70 who are killed or injured in motor vehicle accidents (12%) when compared with the proportion of those aged over 70 in the community (9.8%). This is even more pronounced when distance traveled is considered.

Better education of older drivers as the viability of mobility scooters as an alternative to the motor car may alleviate some of the injury problems associated with motor vehicle use in this age group. There are numerous anecdotal episodes from our staff citing very disabled people still driving their

¹ See our submission to the ACCC Reference Group on this issue:
www.scootersaus.com.au/documents/MobilityScooterSafety.pdf

² “Road Deaths Australia 2008 Statistical Summary”. Department of Infrastructure, Transport, Regional Development and Local Government, 2009

vehicles when safety is a clear problem, including people with gross walking difficulties, Parkinson's Disease, acute heart and lung problems, etc.

There are several issues that are important in ensuring safety for scooter users and pedestrians that share the footpaths:

(a) Infrastructure.

This represents by far the most serious issue regarding safety – poor or non-existent footpaths and access ramps to the road, poor access to overhead crossings, alternative routes where there is no footpath. Because Australia has not embraced alternative transport modes with the same enthusiasm as Europeans, infrastructure has lagged behind these countries and left scooter users with very poor options for route choice when the infrastructure is either poor or non-existent. This often involves being forced to use the roads, navigate gutters or using nature strips to complete their trips.

(b) Inferior Products

Mobility scooters are GST free because they are regarded as a medical device. As such they are subject to TGA requirements. However, these requirements are not policed or enforced by TGA, allowing non-compliant products to be imported and sold. This is also the case with internet-based overseas purchases. 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.

(c) Training (see below)

If new scooter users are not trained in the rudimentary safety issues relating to scooter use, there is the real possibility of accidents occurring.

(d) Driver awareness

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 to that of a young person. A visibility flag is the best solution to this issue for the user, and better driver awareness is the best solution for the community.

Recommendations:

1. Data collection needs to be improved (see "B" below)
2. Greater infrastructure improvements must be undertaken by both state and local authorities to improve conditions for scooter users.
3. The NSW State Government should:
 - Require that the TGA enforce its rules on non-compliant scooters
 - Request that the ATO ensure that all non-TGA compliant scooters attract GST.
 - Request that the Dept of Customs and Border Protection Service require a TGA code to be included on all scooter import documentation and refuse permission to import otherwise.
 - Require all scooter owners to use a visibility flag when using their scooter on public thoroughfares.
 - Adopt the UK system of registration if it decides to require scooter registration.
4. The RTA should be required to provide, to all those over the age of 80, attractive and relevant information on the viability, economy and safety of mobility scooters as an alternative to motor vehicle use, *at time*

of license renewal, every year. License examiners also need support to fail poor drivers and be provided with information on mobility scooters they can refer failed applicants to as an alternative to continuing to drive when it is dangerous to themselves and the public to do so.

5. Local Government should be encouraged to take a far more active role in providing better infrastructure, including parking bays in shopping areas, better footpaths, etc, and in educating users, motorists and pedestrians in scooter awareness and safe use.

(ii) Status

Scooters are currently not required to be registered in NSW and the rules for use are the same as that of a pedestrian. The only state that registers scooters is Queensland, where a doctor's certificate is required for registration.

We believe that, while registration is not necessary, if it is to be considered, 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 are 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.

It is to be noted that in Queensland, unlawful scooters have been registered by the government's own motor transport department for at least 10 years, from the time that some scooter models capable of more than 10kph or that weighed more than the current legal limit of 110 kgs were introduced (see "C" below). This has considerable legal implications if a serious accident occurred with one of these registered but non legal scooters.

Recommendations

Scooter registration is not necessary, but if it is to be considered, a simple method as used in the UK is preferable, and it be free of charge.

B. Adequacy of data collection

As all scooters sold in Australia are now imported, the most efficient way to collect data would be to use Customs import data. However, Custom's import data does not distinguish between mobility scooters and other powered mobility devices, so estimates as to the volume of scooter imports are at best guesses. This makes comparisons with other modes of transport and health / accident issues open to question.

Injuries and deaths from mobility scooter use are not collected by hospitals when patients are admitted to hospital, so data on safety issues is almost impossible to obtain.

Recommendations;

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.

C. Vehicle Standards

There are currently no standards for mobility scooters, although there are currently several working groups looking into this issue, and working with the

industry umbrella group ATSA.³ We are in general agreement with the directions these negotiations are taking. However, the following must be taken into account with any new standards:

As a stakeholder, and importer of mobility scooters from both China and Taiwan, Scooters Australia deals with more overseas scooter manufacturers than any other importer (4 in all).

What is abundantly clear is that the domestic market for mobility scooters is very small by world standards, and as such we cannot make specialized demands on our manufacturers to suit Australian regulations without incurring significant price disadvantages.

We consider the UK standards both adequate and rigorous enough for adoption by Australia. This includes the adoption of a split speed category of 6 / 12 kph for registration purposes, and a speed switch for pedestrian rich vs open area environments.

Weight and Speed

Because the weight of users has risen over the last 20 years, carrying capacity of the largest scooters has gone from 136kg to 225kg. This has put added strain on both the weight and power of scooters.

Maximum Speed

The current speed restriction of 10kph puts limits on the way this can be technically achieved without reducing the pulling ability of a scooter. There are no commonly available gearboxes that are used internationally to achieve a 10kph result easily. This means that the only other way to achieve this is through voltage regulation, reducing the torque available from the motor. A 12kph upper limit is more workable because this is the *de facto* international standard and can be achieved through gear box selection without the need to reduce motor power.

Tare Weight

The current weight restriction of 110kg is no longer workable because of the market requirement for greater range and carrying capacity, and this can only be achieved by use of higher capacity batteries, which push the weight above the current limit.

Recommendations:

1. Any standards chosen must be in line with European and UK standards so as not to increase the price of scooters.
2. Maximum speed must be increased to 12 kph, with an option for 6kph speeds for small and portable scooters that would not be required to be registered.
3. Maximum weight should be increased to 150kg to allow for larger batteries and more powerful motors to cater for the higher weight carrying requirements now commonplace in the market.

D. Education

Many retail outlets do not, as a matter of course, provide training to new scooter owners. Our company issues a training certificate following a comprehensive training session on purchase of a scooter and a signed acceptance that the training has been given.

³ Assistive Technology Suppliers Australasia

We do not advocate for a state based training scheme as this would be too expensive. However, there is a need for locally based education schemes and training by retailers. Web based sales naturally prohibit any realistic training.

Motor vehicle driver education on safety issues relating to mobility scooter use is currently non-existent and may be responsible for some of the injuries associated with scooter use. Anecdotal evidence points in this direction.

Recommendations:

1. Retailer be required to conduct training sessions with all new scooter owners and each owner be required to submit evidence of same if scooter registration becomes a requirement.
2. Motor Vehicle drivers should be made aware, through a public advertising campaign, of the safety issues associated with mobility scooters and their responsibilities.
3. Local Government should be encouraged to play a greater role in educating users and non-users about the safety implications of scooters in the community.

E. Insurance

Currently a comprehensive and third party liability policy is available for purchase in Australia. We do not think this should be made compulsory but should be advertised as an option for users.

F. Local Government

We do not advocate for local governments to be involved in registration of mobility scooters. We believe that this should be the responsibility of the RTA, if it is to be adopted. We believe that the UK model is the best model for scooter registration.

We do, however, believe that local government should be taking a far more active role in providing improved infrastructure for mobility scooters and to more active in promoting safe use of scooters to both users and pedestrians.

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