

Committee Secretary  
Senate Standing Committee on Rural and Regional Affairs and Transport  
PO Box 6100  
Parliament House  
Canberra ACT 2600

rrat.sen@aph.gov.au

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To the Senate Standing Committee:

**The need for regulation of mobility scooters, also known as motorised wheelchairs**

Spinal Life Australia, with headquarters in Brisbane, is a leading provider of advocacy, therapy and supports for people with spinal cord injury, the late effects of polio and transverse myelitis.

We are a member-based organisation and represent over 1300 members and work with a further 800 clients, delivering high quality therapy and support services

We appreciate the opportunity to make a submission and do so in the hope it can foster a more inclusive Australia. We would welcome further consultation on any matters we have raised.

Yours sincerely



Michael Powell  
Chief Executive Officer

## ***Submission to the Senate Inquiry***

### **The need for regulation of mobility scooters, also known as motorised wheelchairs**

## ***Introduction***

Motorised mobility devices (scooters and wheelchairs) play an important role in enabling users of these devices to stay connected to their communities, to be included, and to perform daily living functions. These devices enhance quality of life by enabling occupation, improving self-esteem and facilitating social interaction.

The vast majority of our members use wheelchairs for their mobility. Of our members with spinal cord injury, 50% have paraplegia and operate manual wheelchairs, and 50% have quadriplegia and require the assistance of a power wheelchair to live their lives fully and as independently as possible. Some of our members also require the use, or choose to use motorised mobility scooters. This submission, however, is aimed at drawing the attention of the Senate Inquiry to the fact that there are differences between motorised mobility scooters and power wheelchairs.

### **Our view on the scope and nature of this Senate Inquiry.**

Spinal Life Australia is confused by the change in scope of this inquiry. It seems the inquiry was instigated in part because of accidents involving motorised mobility scooters, and the frequency of incidents involving these devices. To broaden the terms of reference to also take submissions relating to power wheelchairs is confounding. There are several reasons that our organisation believes this, including, but not limited to:

- Studies on electric scooters are not interchangeable with electric wheelchairs and the differences should be acknowledged. The “Targeted study of injury data involving motorised mobility scooters. A report commissioned by the Australian Competition and Consumer Commission. Monash University 2010” was specifically on scooters and not wheelchairs. The study noted that “Falls involving electric wheelchairs, which were not included in this study, are coded separately under W05 “fall involving wheelchair”” (Pg. 10). The study’s methodology specifically excluded electric and motorised wheelchairs (Pg 14, 42).
- Electric wheelchair design is significantly different to scooter design when it comes to encouraging the user to prevent collisions. Scooters are generally designed with

a bumper that would impact an object before the rider during a head-on collision. Electric wheelchairs are open at the front and provide no protection to the user were they to come into contact with something in a head-on collision. The design of an electric wheelchair means that the whole of the front of the user's body is exposed and could potentially be impacted and injured in a head-on collision. The rider of a scooter does not have the same disincentive as the initial impact would be absorbed by the scooter itself, which is generally made of plastic. This is not to imply that the disincentive value of this is known but it is just to highlight the design of the electric wheelchair and scooter are very different and the devices should not be assumed as the same.

- A person who uses an electric wheelchair spends a significant amount of time in that wheelchair. Many electric wheelchair users have spent much of their life using the wheelchair, and for many members of Spinal Life Australia, have received significant training in the use of the wheelchair while recovering and rehabilitating from spinal cord damage. For people with spinal cord damage, the electric wheelchair is not an optional aid, it is a necessity, an integral part of their daily lives and the skills they have developed to mobilise safely and effectively within the community are not comparable to someone who uses a scooter intermittently or for journey's longer than they can walk.
- The performance differences between scooters and wheelchairs are significant. A scooter has the turning circle of a small motorbike, whilst an electric wheelchair can turn on a 20 cent coin. Electric wheelchairs are designed to be more manoeuvrable than electric scooters and to provide greater stability. When assessing changes to regulations it is important to distinguish between wheelchairs and scooters in terms of how the devices move around the community. Electric wheelchairs and scooters have performance differences and it would be critical to understand these differences before considering regulatory changes.
- An unhelpful feature of the Australian urban streetscape is the lack of continuous accessible paths of travel for people using mobility devices. The primary cause is the lack of footpath to road transition points, i.e. a lack of kerb ramps and lipless driveways (most driveways have a 50mm step). This unhelpful feature may assist the Senate inquiry to understand why some risk taking can occur by mobility device users – and as such, the Standing Committee might consider raising the issue with the Australian Building Codes Board and the Australian Local Government Association.

**When compared to motorised mobility scooters, power wheelchairs typically are:**

- Used for longer, continuous periods by the device users;
- Used by people who are less able to transfer in and out of the devices;
- Used by people requiring more support and stability to sit, function and move;
- Generally heavier than motorised mobility scooters;
- Are less likely to increase in numbers in public areas as the population ages to the same degree as motorised mobility scooters;
- Controlled by a joystick control rather than toggle grips/controls;
- Required to be prescribed by an allied health professional to maximise safety, comfort, suitability and prevention of damage - and injury to the user;
- Used by people who have been trained to use them as an integral part of their rehabilitation and recovery.

## Submission to the Senate Inquiry

### The need for regulation of mobility scooters, also known as motorised wheelchairs

<p><b>a. the number of deaths and injuries attributed to accidents involving mobility scooters in Australia since their introduction;</b></p>	<p>Monash University research has revealed at least 129 riders and three pedestrians were killed in accidents involving mobility scooters between 2000 and 2017.<sup>1</sup></p> <p>Spinal Life Australia does not record any information relating to deaths and injuries, however, it is possible that the reported injuries and accidents associated with the use of motorised mobility scooters is higher than reported. Likely reasons for this are non-reporting of minor injuries and accidents, no requirement to lodge police reports, lack on registration of many motorised mobility scooters and the lack of regulation on the market enabling people to purchase and sell scooters without formal processes.</p> <p>Given the smaller numbers of generally more skilled users of power wheelchairs in Australia, when compared to motorised mobility scooters, it is reasonable to assume a much lower prevalence of injuries and accidents relating to the use of power wheelchairs when compared to motorised mobility scooters. Spinal Life Australia is not aware of any statistics of incidents and accidents involving power wheelchairs in Australia, and it seems there is limited comparable data from overseas available.</p>
<p><b>b. the causes of these accidents;</b></p>	<p>Spinal Life Australia has no information to add, but we note the Monash research mentioned above found scooter deaths were mostly caused by riders being struck by cars. Other causes include falls, tip-overs and drowning after falling off a scooter.</p> <p>There are perhaps steps that could be taken to reduce the likelihood or seriousness of injuries occurring (outlined in 'section g' of this submission).</p>
<p><b>c. any current regulations governing the use of mobility scooters</b></p>	<ul style="list-style-type: none"> <li>Regulation of motorised mobility scooters and power wheelchairs is in place in Queensland, and the Queensland model is perhaps the most progressive approach in Australia.</li> </ul>

<sup>1</sup> Targeted study of injury data involving motorised mobility scooters. A report commissioned by the Australian Competition and Consumer Commission. Monash University 2010

<p><b>throughout Australia;</b></p>	<ul style="list-style-type: none"> <li>Any motorised mobility scooter or power wheelchair in Queensland that is used on a footpath or to cross roads must be registered with the Queensland Government.</li> <li>To be eligible to be registered, the motorised mobility scooter or power wheelchair must not exceed 10 km/h on level ground, be built for a person with mobility difficulties and have a tare weight of 150kg or less.</li> </ul> <p>(for further information, see:</p> <ul style="list-style-type: none"> <li><a href="https://www.tmr.qld.gov.au/Travel-and-transport/Disabilityaccess-and-mobility/Travelling-with-a-wheelchair-or-mobility-scooter.aspx">https://www.tmr.qld.gov.au/Travel-and-transport/Disabilityaccess-and-mobility/Travelling-with-a-wheelchair-or-mobility-scooter.aspx</a></li> <li><a href="https://www.qld.gov.au/transport/registration/register/wheelchair">https://www.qld.gov.au/transport/registration/register/wheelchair</a> )</li> </ul> <ul style="list-style-type: none"> <li>Upon registration, operators are also required to provide a statement confirming that they are aware of the Queensland Road Rules relating to motorised mobility scooters and power wheelchairs</li> <li>Whilst some people understand that to register motorised mobility scooters and power wheelchairs in Queensland requires a statement from their doctor confirming that the purchaser requires the use of their device because of a medical condition – this seems not to be legislated.</li> <li>CTP insurance is free for motorised mobility scooters and power wheelchairs that are registered in Queensland. The provision of CTP insurance cover for these devices means that the members of the public interacting with the device have implied protection in case of an incident causing injury or damage to property or persons.</li> </ul>
<p><b>d.comparison of Australian regulations with international standards;</b></p>	<ul style="list-style-type: none"> <li>The regulations governing use of motorised mobility scooters in the United States of America are created and implemented at a state level, a situation that should be avoided in Australia should any changes be proposed as a result of this Senate inquiry.</li> </ul>

	<ul style="list-style-type: none"> <li>The United Kingdom has a similar regulatory environment to that in Queensland, and comparisons would prove to be constructive should the Senate Inquiry be considering international comparisons.</li> </ul>
<p><b><i>e.what support structures are in place to ensure the safe operation of mobility scooters;</i></b></p>	<ul style="list-style-type: none"> <li>Spinal Life Australia provides basic education on the use of power wheelchairs, but strongly supports its members using these devices to learn appropriate use from equipment providers, prescribers, health professionals and allied health professionals.</li> <li>Spinal Life Australia believes that much could be done to provide support structures to users of motorised mobility scooters to improve the safety of operators and people interacting with the devices, including education, training, clearer legislation, regulation and enforcement.</li> </ul>
<p><b><i>f.the regulatory role of government and non-government bodies; and</i></b></p>	<ul style="list-style-type: none"> <li>Non-Government bodies do not have a regulatory role to play in relation to this matter, however, Not for Profit agencies and non-Government agencies would be a crucial part of any efforts to improve education and awareness of motorised mobility scooter use and safety.</li> <li>Current regulations do not specify training, familiarisation, or compliance with Australian safety standards at the point of sale of new and/or second-hand scooters.</li> </ul>
<p><b><i>g.any related matter</i></b></p>	<ul style="list-style-type: none"> <li>The idea of limiting the weight of power wheelchairs is not tenable, as some chairs incorporate additional features not traditionally available when chairs were designed - and because of the stability and strength required for power chairs.</li> </ul> <p>See also the Commonwealth Disability Standards Accessible Public Transport 2002 – Use of Boarding Ramps, where a combined weight of the occupant and the mobility device up to 300kg is acceptable.</p> <ul style="list-style-type: none"> <li>The idea of further limiting speed on power wheelchairs is not supported, as it would further inconvenience those people living with no other option to be mobile</li> </ul>

other than their power chair. Imposing blanket weight restrictions and further speed limits do not consider the varying mobility and functional needs of people with a disability – and the way they must interact with pedestrians and vehicles on a daily basis.

- The Inquiry should consider the positive impacts and feasibility of installing restraint systems in buses and ferries for power wheelchairs to reduce the likelihood of incidents occurring during cornering or rough water.
- Registration of motorised mobility scooters that are to be used in public places outside the home, or aged care facilities, should be mandatory and any such scheme should be consistent nation-wide. The registration model used by the Queensland State Government seems effective and could be used as a model for nationally consistent laws in this regard.
- Investigating options for increasing safety of the operator of motorised mobility scooters such as:
  - Initial safety and competency training for operators.

