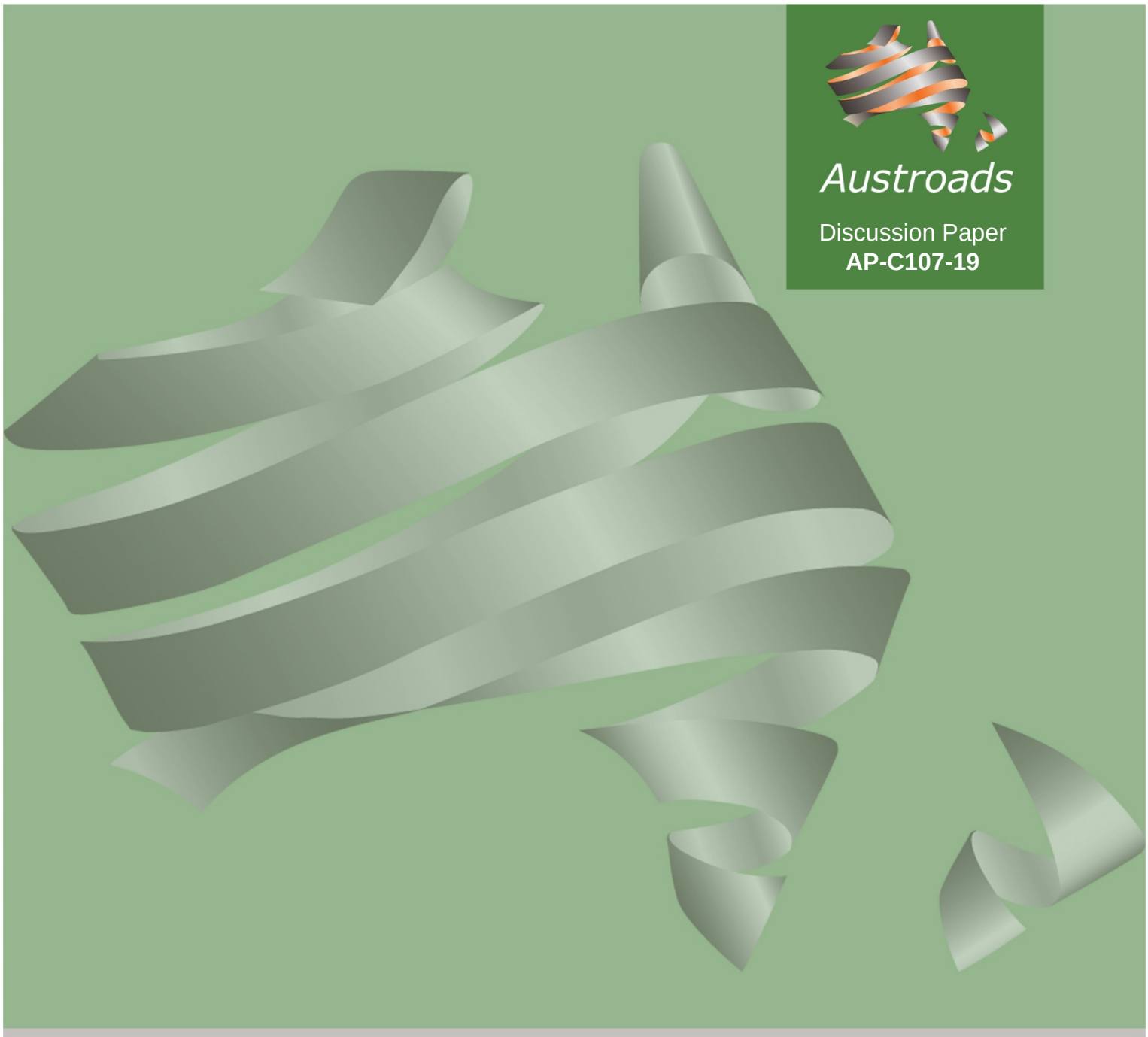

Austroads

Discussion Paper
AP-C107-19

Motorised Mobility Devices Discussion Paper

Establishing a Nationally Consistent Framework and Adopting Technical Specification 3695.3.2018

Motorised Mobility Devices Discussion Paper

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Abstract

This discussion paper seeks stakeholder views on:

- options for the adoption of Australian Standard's Technical Specification for Motorised Mobility Devices; and
- considerations associated with a national registration and licensing system for Motorised Mobility Devices and their users as recommended by the Senate Standing Committee on Rural and Regional Affairs and Transport *Inquiry into the Need for regulation of mobility scooters, also known as motorised wheelchairs*.

The options presented in this paper are based on collated feedback from stakeholders who attended workshops in Brisbane in April 2019. Questions are provided throughout the paper to assist in responding to the paper.

Responses to this paper will be collated to inform the final project report, including recommendations, for Austroads consideration.

Please send your submissions by email to MMD_Consultation@tmr.qld.gov.au

Submissions will be accepted until **16 September 2019**.

Keywords

Motorised mobility device, discussion paper, Australian Standard, technical specification. registration, licensing

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About Austroads

Austroads is the peak organisation of Australasian road transport and traffic agencies.

Austroads' purpose is to support our member organisations to deliver an improved Australasian road transport network. To succeed in this task, we undertake leading-edge road and transport research which underpins our input to policy development and published guidance on the design, construction and management of the road network and its associated infrastructure.

Austroads provides a collective approach that delivers value for money, encourages shared knowledge and drives consistency for road users.

Austroads is governed by a Board consisting of senior executive representatives from each of its eleven member organisations:

- Transport for NSW
- Roads Corporation Victoria
- Queensland Department of Transport and Main Roads
- Main Roads Western Australia
- Department of Planning, Transport and Infrastructure South Australia
- Department of State Growth Tasmania
- Department of Infrastructure, Planning and Logistics Northern Territory
- Transport Canberra and City Services Directorate, Australian Capital Territory
- The Department of Infrastructure, Regional Development and Cities
- Australian Local Government Association
- New Zealand Transport Agency.

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1. Purpose of the Discussion Paper

Motorised Mobility Devices (MMDs) are defined as powered wheelchairs or mobility scooters. Austroads has invested in projects to improve the safety MMDs for a number of years, with the current Austroads project seeking to explore options for the adoption of the Technical Specification 3695.3.2018 for MMDs which was finalised in 2018 as the output of a previous Austroads project. The project is entitled: *Austroads Project SRL6218: Explore options to establish a nationally consistent framework in line with Senate Committee outcomes and adopt Technical Specification 3695.3.2018 for Motorised Mobility Devices*.

As well as adopting the Technical Specification for MMDs, the project seeks to address the recommendations from the Senate Standing Committee on Rural and Regional Affairs and Transport Inquiry into the *Need for regulation of mobility scooters, also known as motorised wheelchairs*, which handed down its findings regarding MMDs on 20 September 2018. The Inquiry recommended that Austroads establish a nationally consistent regulatory framework for MMDs, including consideration of low-cost licensing and registration arrangements and third-party insurance.

The Austroads project aims to develop a nationally agreed approach to these issues. This Discussion Paper will facilitate this by seeking stakeholder views on the two elements:

- Options for the adoption of the Technical Specification for MMDs; and
- Considerations associated with licensing, registration and third-party insurance for MMDs and their users.

The options presented in this Discussion Paper are based on the information and ideas collated from stakeholders who attended workshops in Brisbane on 8 and 9 April 2019. Prompting questions are provided throughout the Discussion Paper to assist in the preparation of a response.

Responses to this Discussion Paper will be collated to inform the final project report, with associated recommendations, for Austroads consideration.

This Discussion Paper does not intend to interrogate the details of the Technical Specification for MMDs. The Technical Specifications were the result of an earlier national project led by Standards Australia. Through the Standards Australia process, the Technical Specification will be subject to a three-year review, which is due in 2021. At this time, the Standards Australia ME6701 sub-committee will convene to determine if the Technical Specification is:

- up-to-date technically
- reflective of current practice
- suitable for new and existing applications (products, systems or processes), and
- compatible with current views and expectations regarding quality, safety and the environment.

How Can I Respond to the Discussion Paper?

Please send your submissions by email to MMD_Consultation@tmr.qld.gov.au

Comments must be submitted using the document review template (Word doc). Please submit your comments on the Word template and save your organisation name in the file name. Comments provided on any other format may not be considered. Please do not provide PDF versions of the comment template.

Submissions will be accepted until **16 September 2019.**

2. Context

2.1 Current regulation

Under the Australian Road Rules (ARR), MMD users are considered to be pedestrians. As such, the ARR provide that a MMD user must travel on a footpath or nature strip where available. If this is not possible, MMD users must travel as close as possible to the left or right-hand side of the road and face oncoming traffic. MMD users must give way to other pedestrians and must cross a road by the most direct route and use a crossing where available.

Currently the only regulatory requirements that apply to a MMD that is being used on paths is that the MMD cannot exceed an unladen mass of 110kg (some jurisdictions allow 150kg), and the maximum forward speed of the device must not exceed 10km/h. While each jurisdiction has the ability to adopt specific rules to suit local conditions, they all generally have a high degree of consistency with the ARR.

2.2 Background

There are currently MMDs available for sale in Australia that exceed the permitted weight and/or speed limits and are being used on paths without the MMD users being aware that their device is in contravention of the law. Further, there are currently no restrictions on the width or length of these devices, or minimum performance requirements for their safe operation on slopes and uneven surfaces. Whilst there is an existing Australian Standard for wheelchair requirements and test methods (AS/NZS 3695.2:2013), it has been acknowledged that compliance with this standard is onerous.

The first MMD Austroads project began in 2012 with the aim to improve the safety of MMD users by improving construction and performance requirements for MMDs so that they would be less likely to result in unsafe outcomes when using footpaths and other public infrastructure. The associated intention was to provide better information and clarity to MMD users, ensuring that their device is most suited to their needs.

In 2014, the jurisdictions agreed to approach Standards Australia to consider drafting construction and performance standards for MMDs. Standards Australia held a forum with jurisdictions in July 2015 to explore the development of a Technical Specification. Standards Australia subsequently circulated a draft Technical Specification in 2016 and 2017 for public comment. The final Technical Specification was published on 22 June 2018.

Whilst the Technical Specification has been finalised, it is currently a voluntary guideline with no legal effect. If it is not adopted in some form, there is a risk that its intended safety benefits will not be fully realised. Austroads is therefore seeking to explore options for the formal adoption of the Technical Specification. Further details about the Technical Specification are provided in section 4 below.

2.3 National Transport Commission project

The National Transport Commission (NTC) has also initiated a project looking at regulation of innovative vehicles, including MMDs. Austroads and the NTC are working closely together on these complementary projects. The outcomes of the Austroads project will inform the NTC's work. Should legislative changes be agreed upon for the adoption of the Technical Specification, these changes will be progressed by the NTC.

2.4 Senate Inquiry Recommendations

Separate to the adoption of the Technical Specification, the Senate Standing Committee on Rural and Regional Affairs and Transport *Inquiry into the Need for regulation of mobility scooters, also known as motorised wheelchairs* handed down its findings regarding MMDs on 20 September 2018. Two recommendations were made, both of which were directed at Austroads.

Recommendation 1

The committee recommends that the Australian Government ensure that Austroads has adequate funding to undertake research and consultation activities to inform the establishment of a nationally consistent regulatory framework for motorised mobility devices.

Recommendation 2

The committee recommends that Austroads take into account this report, and the evidence provided to the inquiry, for the purposes of establishing a nationally consistent regulatory framework for motorised mobility devices. As part of its deliberations, Austroads should consider simple and low-cost licencing and registration arrangements and third-party insurance.

The Senate Committee concluded that the development of a consistent national approach to the regulation of MMDs is central to their safe use.

Austroads seeks to address Recommendation 1 by exploring options for adopting the Technical Specification (as described above), including the potential for a regulatory framework for MMDs. This project will also address Recommendation 2 from the Inquiry, by exploring views on the adoption of licensing and registration requirements. If there is support for reform, that is, the adoption of either a national registration or licensing framework for MMDs, this work will be progressed as a separate initiative.

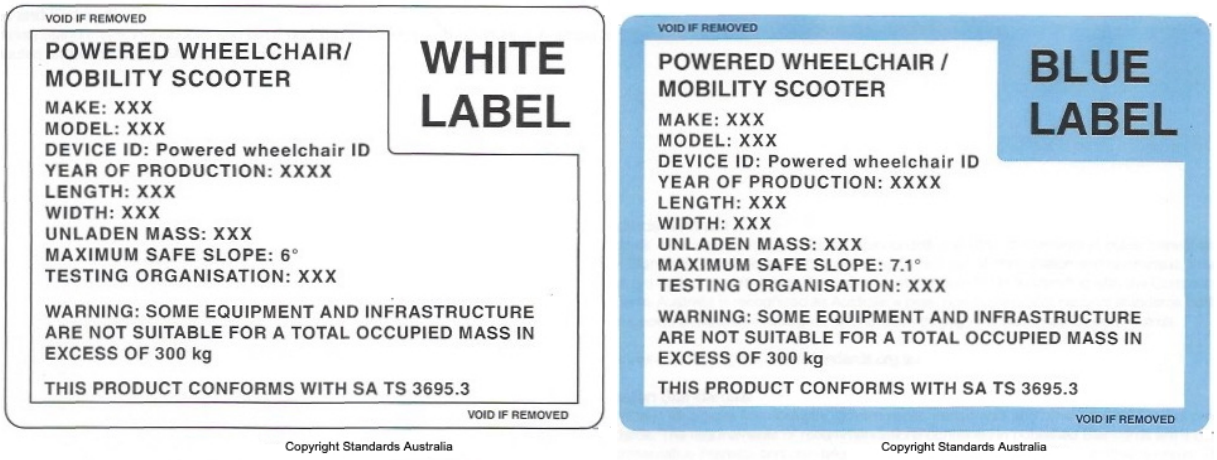
3. Adoption of The Technical Specification For MMDS

3.1 What is the Technical Specification for MMDs?

The Technical Specification for MMDs sets out construction and performance requirements for MMDs for use on public infrastructure, such as footpaths, and public transport. For instance, maximum unladen mass, speed, and dimensions are provided for. Stability on slopes and braking performance is also incorporated. The Technical Specification provides for a labelling scheme designed to make it clearer for purchasers of a device about the suitability of the device for its intended use.

Devices that are assessed as suitable for path and public infrastructure use will be provided a white label. Devices assessed as suitable for public transportation use will be provided a blue label. The blue label requirements are based on the minimum requirements under the Disability Standards for Accessible Public Transport 2002 (DSAPT). Blue label devices are therefore suitable for use on both public infrastructure (for example, footpaths) and public transport conveyances.

Figure 3.1: White label and blue labels – Assessed devices



The Technical Specification provides the parameters for these two types of devices. This will mean that unsuitable devices (for example, devices that can tip easily on gradients or when ascending/descending low steps) will not be provided a label showing they are fit for use on public infrastructure. Similarly, devices too large for public transport vehicles[1], or which are incapable of manoeuvring on public transport vehicles, will not be provided a blue label. If a device does not meet the requirements to obtain a label, it may still be appropriate for indoor use. The Technical Specification doesn't apply to any public transport vehicles that use tiedown restraints or anchorage bolts, for instance, wheelchair accessible taxis.

While the Technical Specifications takes into consideration the traditional 'A', 'B' and 'C' class device classification, its testing requirements are not identically aligned. Therefore, it is possible that a traditional 'A' class device could meet white or blue label compliance if it meets the Technical Specification requirements.

[1] Public transport conveyances that confirm to the DSAPT

A summary of the Technical Specification requirements is provided below:

Table 3.1: Comparison of Technical Specifications by label type

Element	White label	Blue Label
Overall width (max)	850mm	740mm
Overall length (max)	1500mm	determined by manoeuvrability performance
Overall height	No requirement	1500mm maximum
Maximum unladen mass	170 kg -scooters only no requirement for powered wheelchairs	170 kg -scooters only no requirement for powered wheelchairs
Maximum laden mass	No mass specified - not a requirement within the Technical Specification. Warning provided that laden mass over 300kg is not suitable for some equipment or infrastructure is provided	No mass specified - not a requirement within the Technical Specification. Warning provided that laden mass over 300kg is not suitable for some equipment or infrastructure is provided
Maximum speed	10km/h	10km/h
Low speed switch	>6km/h	>6km/h
Stability on gradients	6° dynamic / 9° static	7.1° dynamic / 9° static
Ground unevenness	Drop on one side down a 50mm step	

Note: this is a summary only, please refer to the Technical Specification for details of the full requirements.

3.2 Unladen mass limit

The ARR prescribes a maximum unladen mass of a MMD up to 110kg. As the ARR is model legislation some jurisdictions have allowed for up to 150kg. In recognising the need for consistency and a contemporary review of the mass requirements, the Technical Specification recommends an increase to the maximum unladen mass for motorised scooters to 170kg. This accommodates the needs of people to be able to purchase a mobility aid that can support them.

The Technical Specification does not provide a maximum unladen mass for traditional motorised wheelchairs. This recognises that motorised wheelchair users have no alternative for mobility on public infrastructure. It was considered inappropriate to prevent their lawful access to paths where their motorised wheelchair weighs in excess of 170kg when fitted with powerlifts and other equipment essential to the effective use of the wheelchair.

Device users will need to ensure their powered wheelchair or motorised scooter does not exceed the gross mass of 300kg when accessing some public transport. This is consistent with the current requirements under DSAPT for ramps and lifts to support a minimum safe working load of 300kg.

Mass limit

The 170kg maximum unladen mass for motorised scooters was determined having regard to the adult population. 95% of the adult population weigh no more than 100kg, meaning that the vast majority of users, plus a load of 30kg (for accessories and luggage) would be under the 300kg laden mass limit for safe use of public transport under DSAPT.

3.3 Intended safety benefits

Identified key performance criteria related to safety form the basis for the performance requirements within the Technical Specification.

These key performance criteria include:

- Requirements for improved MMD speed control (maximum speed, selection of speed ranges, modulation of speed, low-speed mode, reversing)
- Requirements for braking performance
- MMD stability and resistance to tipping and rollover (static and dynamic at a range of speeds including operation at low speeds)
- Ability to negotiate gradients and inclines
- Ability to avoid and/or manoeuvre around obstacles
- Ability to perform common manoeuvring
- MMD limits on dimensions
- MMD limits on mass
- Electrical safety and isolation of critical circuits.

In addition to the above safety related criteria, criteria related to compatibility with public transport was identified. These were identified by assessing the requirements of the DSAPT and determining what infrastructure constraints a device must be compatible with in order to access, board and manoeuvre into an allocated space.

These public transport criteria include:

- Travelling up and down, turning and stopping on inclines
- Manoeuvring the device on the conveyance and turning the device within the confines of a public transport allocated space
- MMD limits on width, height and length.

Gradients are encountered by MMD users in a number of common situations, for example, on footpaths and access ramps to buildings, buses, trains and ferries. In order to navigate these gradients, it is critical that MMDs have the ability to come to a complete stop and for users to safely perform functions such as repositioning the MMD, adjusting the controls, or waiting for pedestrians to pass.

To determine MMDs' static stability, the Technical Specification provides test methods for measuring the propensity of a stationary MMD to slip or tip on varying gradients in various orientations. These tests are straightforward and require a minimum of specialised equipment.

The Technical Specification also incorporates a slow speed switch which will provide a practical mechanism to help ensure users do not accidentally speed into trouble. The use of the low speed switch will be encouraged in areas of high pedestrian activity, or other locations where there may be danger from an errant manoeuvre. For example, on a train platform.

3.4 Certification

The available methods for certification of MMDs against the technical specification are:

- Self-certification – suppliers or manufacturers conduct their own tests and determine whether their products meet the requirements of the Technical Specification.
- Third party certification – suppliers or manufacturers arrange testing through an independent organisation. The independent (third party) organisation then determines whether the MMD meets the requirements for of the Technical Specification and advises the supplier or manufacturer of the outcome.
- Certification through suitably qualified engineers – engineers assess MMDs and arrange for testing.
- A combination of the above.

Any test laboratory that already certifies to AS/NZS 3695.2 or similar international standards could be expected to be able to perform almost all of the Technical Specification tests with existing equipment. Where applicable, many of the test results from AS/NZS 3695.2 testing could also be used for Technical Specification certification.

The necessary test fixtures could be fabricated by an engineering workshop. Anyone who wishes to test MMDs for white or blue label compliance (for example, manufacturers or suppliers), will be able to obtain or have fabricated the necessary equipment for the purpose of self-certification against the Technical Specification. The resources necessary for determining conformance with the Technical Specification are much less than those needed for certification to the related Australian Standard 3695.2 (see Appendix 1 for a comparison).

Conformance with the Technical Specification is indicated by affixing a white or blue label to each device, as described in the Technical Specification. Australian consumer law might apply in cases of false claims of conformance with the TS, such as affixing a label to a non-conforming device.

Although there is no requirement in the Technical Specification to submit details of test results/conforming models to any organisation it is recommended that intending suppliers of devices check the requirements of relevant organisations such as the Therapeutic Goods Agency and the National Disability Insurance Agency.

4. Options for Adoption of The Technical Specification

On 8 and 9 April 2019, stakeholder workshops were held in Brisbane to develop options for the adoption of the MMD Technical Specification. Stakeholders represented a broad range of government, advocacy and industry stakeholders from across Australia. These included government representatives from most jurisdictions, public transport organisations, MMD retailers, suppliers and distributors, healthcare professionals, wheelchair users, advocacy groups and independent information service providers.

To guide the development of options for the adoption of the Technical Specification, workshop participants were asked to identify principles that should apply. Broadly, the principles identified included:

- The impacts on the MMD user must be considered at the forefront of any option.
- Adoption should improve the safety outcomes for MMD users and other path users.
- MMD users should be provided with choice. Users should have the option of determining which MMD best suits their needs and circumstances.
- Options should not prohibit MMD access to public infrastructure or public transport, where it is reasonable to access these conveyances and the devices are fit for the purpose.
- Any cost increases or time delays for consumers obtaining MMDs because of Technical Specification adoption should be minimal.
- There must be accountability for certifiers of devices against the Technical Specification. Options should include suitable repercussions for those who make false claims about conformance with the Technical Specification.
- Option implementation must be achievable and include transitional provisions allowing sufficient time for industry to transition to new arrangements. It should not be implemented in such a way that restricts innovation.

This Discussion Paper has focussed on the options that encapsulated these principles and the dominant themes of the workshops. The option of ‘do nothing’ has also been included for a baseline comparison. The ‘do nothing’ approach was however not a strong theme that emerged from the workshops.

The options included for consideration are:

- Option 1 – Do nothing
- Option 2 – Consumer driven adoption of the Technical Specification
- Option 3 – Industry driven adoption of the Technical Specification
- Option 4 – Regulatory prescription of the Technical Specification

There was strong support at the workshops for the adoption of a consumer education campaign to support MMD users in making informed decisions regarding the best MMD for their needs. As a result, consumer education is an element of all options being considered, other than Option 1 – do nothing.

Due to the diverse group and nature of the brain storming activities a number of other possible options for adoption of the technical specification were raised throughout the course of the workshops. While these options may have been discussed, they did not emerge as a strong theme and did not seem to have strong support. These included:

- Establishing an independent authority or body to oversee the certification process of MMDs against the Technical Specification. This would provide consistency and confidence in the testing results. This option was not supported because of the inordinate time, costs and resources that would be required to effectively implement such a body. It was discussed that the costs of such would likely far outweigh the benefits. Pushing all devices through the one body would also likely add significant costs and delays for consumers. This option therefore didn't meet several of the key principles established by the group.
- Government to provide subsidies and grants to encourage industry adoption of the Technical Specification. This was not supported as there is no funding available for this approach. This option therefore didn't meet the implementable principle established by the group.
- Establishing a new star rating system that incorporates the Technical Specification and other considerations relevant to a decision to purchase a MMD. This option in effect sets up an alternative approach to the labelling system and would likely require new specifications and testing requirements. This option has not been pursued for further investigation as it is not an option to adopt the Technical Specification.
- Place importation restrictions on devices that do not comply with the Technical Specification. This option was not supported as MMDs that do not comply with the Technical Specification may still be safely used for indoors use by MMD users and it does not align with the principle that MMD users be able to choose a device that best suits their needs.
- The Therapeutic Goods Administration could be approached to include the Technical Specification as part of their requirements for the device to be entered on the national register (see below). This option could be further considered but to be effective would require the Australian Government Department of Health to agree to all MMDs being entered onto the register. This would then place responsibility for monitoring of compliance of MMDs on the Australian Government Department of Health. The benefit of this is a single point of assessment which provides consistency. This established body also delivers on the accountability principle. Depending on the assessment and monitoring model utilised by the department this could however mean additional time and cost requirements for consumers and manufacturers. It is also unlikely that the Australian Government Department of Health would agree to such a scheme and the costs of implementation (if it were to be implemented to such a standard that it could actively monitor all devices).
- Many attendees also raised the need for infrastructure to be better designed to support MMD accessibility, however this is beyond the scope of the project.

Therapeutic Goods Administration

The Therapeutic Goods Administration is part of the Australian Government Department of Health, and is responsible for regulating the supply, import, export manufacturing and advertising of therapeutic goods including prescription medicines, vaccines, sunscreens, vitamins and minerals, medical devices, blood and blood products.

Almost any product for which therapeutic claims are made must be entered in the Australian Register of Therapeutic Goods before it can be supplied in Australia. If they are not on the register, then the Therapeutic Goods Administration will not monitor the devices for compliance and safety.

The Therapeutic Goods Act, Regulations and Orders set out the requirements for inclusion of therapeutic goods in the Australian Register of Therapeutic Goods, including advertising, labelling, product appearance and appeal guidelines.

It is understood that motorised scooters and powered wheelchairs meet the definition of medical device and can therefore be assessed for Therapeutic Goods Act compliance and included on the register. Some devices have already been included on the register and have been subject to actions such as device recalls.

4.1 Option 1 – Do nothing

This option maintains the status quo, where the Technical Specification is available for adoption if suppliers or retailers of MMDs wish to do so. No industry guidance materials or consumer education would be developed to support this adoption.

This option delivers (√)/doesn't deliver (×) against the following principles.

- Considering the MMD user. √
- Adoption should improve the safety outcomes for MMD users and other path users. ×
- MMD users should be provided with choice. Users should be able to determine which MMD best suits their needs and circumstances. ×
- Options should not prohibit MMD access to public infrastructure or public transport, where it is reasonable to access these conveyances. √
- There should be no unreasonable cost increases or time delays for consumers obtaining MMDs as a result of Technical Specification adoption. √
- There must be accountability for certifiers of devices against the Technical Specification. Options should include suitable repercussions for those who make false claims about compliance with the Technical Specification. ×
- Option implementation must be achievable and include transitional provisions allowing sufficient time for industry to transition to new arrangements. It should not be implemented in such a way that restricts innovation. √

Option 1 – Pros and Cons

Pros

- Easy to implement
- No cost burden on any party, with adoption being completely at the discretion of industry.
- Continues to allow users of MMDs to choose the best device for their needs.

Cons

- Consumers continue to lack clear, objective information about whether a particular MMD is meet their needs, for example, for use on footpaths and/or public transport.
- Does not deliver on the safety benefits intended by the Technical Specification.
- The absence of guidance materials for industry may mean that the adoption of the Technical Specification is open to interpretation and thus inconsistent application.
- The absence of consumer guidance information may mean that users of MMDs are unclear what the labels under the Technical Specification mean.

Discussion Question

Are there any other pros and cons that should be considered for Option 1 (Consumer driven adoption)?

4.2 Option 2 – Consumer driven adoption of the Technical Specification

This option envisages industry guidance materials being developed for testing against the Technical Specification and the associated application of labels. Manufacturers and suppliers of MMDs could adopt the Technical Specification as they see fit, potentially as a marketing tool. Guidance materials would also be developed for consumers, so that they understand what the white and blue labels mean and how they can be used to inform their decisions about what MMD to purchase.

Compliance would be limited to application of Australian Consumer Law. For instance, consumers could make complaints to jurisdictional consumer protection agencies, if a supplier was misrepresenting MMDs as being compliant with labelling requirements under the Technical Specification.

This option doesn't seek industry's support to drive the adoption of the Technical Specification, therefore no Code of Practice or similar driver would be needed. Rather, this option relies upon the consumer to drive the need for better information though their preference of purchasing only devices that have the label, or only though outlets that display the labels. This option delivers against the following principles.

- Considering the MMD user. √
- Adoption should improve the safety outcomes for MMD users and other path users. √
- MMD users should be provided with choice. Users should be able to determine which MMD best suits their needs and circumstances. √
- Options should not prohibit MMD access to public infrastructure or public transport, where it is reasonable to access these conveyances. √
- There should be no unreasonable cost increases or time delays for consumers obtaining MMDs as a result of Technical Specification adoption. √
- There must be accountability for certifiers of devices against the Technical Specification. Options should include suitable repercussions for those who make false claims about compliance with the Technical Specification. √
- Option implementation must be achievable and include transitional provisions allowing sufficient time for industry to transition to new arrangements. It should not be implemented in such a way that restricts innovation. √

Australian Consumer Law

Under this option, Australian Consumer Law will be the primary method for managing cases of Technical Specification non-compliance, non-compliant labelled devices or false claims about MMD performance. Under Australian consumer legislation, manufacturers and importers have a responsibility for ensuring MMDs that they supply to the market are fit-for-purpose and they must not make false claims about conformance with the Technical Specification.

It is understood that the labelling scheme is enforceable under Australian Consumer Law and that cases of potential non-compliance would normally be a matter for jurisdictional consumer protection departments. False claims of compliance with the Technical Specification and selling non-conforming devices with a white or blue label would breach fit-for-purpose provisions of Australian Consumer Law. In both cases action could be taken by the jurisdictional consumer protection agencies.

Option 2 – Pros and Cons

Pros

- This option recognises that MMD users may need to take into account many considerations when selecting a device, and a label for public infrastructure or public transport access is only one such consideration.
- Industry adoption can be driven by consumer interest in purchasing a MMD that has been labelled in accordance with the Technical Specification. Consumers could use the label to inform their purchasing decision.
- By allowing the industry to adopt and implement the framework in their own way, competitiveness and innovation are encouraged.
- Utilises existing consumer protection arrangements, while allowing voluntary education and adoption by the industry without onerous requirements which would arise from a strict regulatory framework.
- There is no formal requirement to have a device that is labelled in order to access public infrastructure or public transport. As such, there is no negative impact on those who already have a device, or visitors to Australia.
- The Technical Specification can be updated as technology advances occur and different MMDs become available, thus maintaining flexibility, without significant impact on the industry.

Cons

- This approach is likely to lead to inconsistent uptake of the Technical Specification by industry players, which may create confusion for MMD users, particularly those new to MMD use.
- There is a risk that in the absence of consumer demand or government intervention, the Technical Specification will not be adopted by the industry. As such the intended safety benefits may not be realised.
- The success of this option depends on the knowledge and awareness of MMD users, allied health professionals and parties in the supply chain being aware of the labelling system. This is a diverse range of stakeholders that may be difficult to effectively target with relevant information.
- Australian Consumer Law, on its own merits, is considered by some to be an ineffective mechanism for dealing with consumer concerns about the safety of products, such as MMDs.

Discussion Question

Are there any other pros and cons that should be considered for Option 2 (Consumer driven adoption)?

4.3 Option 3 – Industry driven adoption of the Technical Specification

Option 3 involves the MMD industry adopting the Technical Specification as an industry best practice standard. The Assistive Technology Suppliers Australia Code of Practice was suggested as one possible mechanism for doing this, but it may not be the only mechanism.

This is a slightly more formalised approach than Option 2 as it is driven by the MMD industry as opposed to the consumer or end user. Manufacturers and suppliers would self-certify devices in accordance with the Technical Specification, supported by guidance materials. Consumers would be encouraged to purchase MMDs from manufacturers and suppliers who sell labelled products.

Guidance materials would also be developed for transport operators, allied health professionals and consumers, to ensure there is widespread understanding of the role of the labelling scheme and how the white and blue label can be used to inform not only consumer decisions, but which devices may be suitable for public transport. This could potentially influence decisions being made by the consumer.

Compliance with the certification scheme would be attained through control of sales and enforcement of consumers' rights through Australian Consumer Law, administered by jurisdictional consumer protection agencies.

This option delivers against the following principles.

- Considering the MMD user. √
- Adoption should improve the safety outcomes for MMD users and other path users. √
- MMD users should be provided with choice. Users should be able to determine which MMD best suits their needs and circumstances. √
- Options should not prohibit MMD access to public infrastructure or public transport, where it is reasonable to access these conveyances. √
- There should be no unreasonable cost increases or time delays for consumers obtaining MMDs as a result of Technical Specification adoption. √
- There must be accountability for certifiers of devices against the Technical Specification. Options should include suitable repercussions for those who make false claims about compliance with the Technical Specification. √
- Option implementation must be achievable and include transitional provisions allowing sufficient time for industry to transition to new arrangements. It should not be implemented in such a way that restricts innovation. √

Industry Code of Practice (Manufacture and Supply)

A supply/manufacturer code of practice (CoP) sets out certain responsibilities and expected standards of practice. An industry CoP has the potential to benefit the industry by establishing norms that promote ethical practices and by discouraging practices that may cause issues such as undermining confidence in the industry or that are not sustainable. While a CoP may be developed specifically to deal with an existing issue or practice, it is commonly used to specify acceptable or desirable practices as a means of benchmarking, to prevent future issues.

A CoP should clearly identify the purpose of the CoP, who the CoP applies to, the requirements of the CoP and what happens if the CoP is not adhered to. To complement the proposed national framework an industry CoP should be:

- Relevant to the industry
- Able to be adopted throughout the industry
- Consistent with industry practices and the regulatory environment
- Auditable (possible to check compliance with the CoP)
- Enforceable (that is, consequences for not adhering to the requirements).

For example, Assistive Technology Suppliers Australia (ATSA), an incorporated body that represents manufacturers, suppliers and retailers in the assistive technology sector, has an existing CoP (ATSA 2016) and adherence to the CoP is a condition of ATSA membership. The ATSA CoP covers the sale of assistive technology devices (including MMDs) to private and business consumers by ATSA members across Australia.

The ATSA CoP covers marketing material, training and conduct of staff, point of sale information, instruction manuals and after sales services (including provision of spare parts). It also sets out a process for reviewing potential breaches of the code and specifies potential sanctions or disciplinary actions if a member is found to have breached the code.

Option 3 – Pros and Cons

Pros

- The Technical Specification can be updated as technology advances occur and different MMDs become available, thus maintaining responsivity and flexibility, without significant impact on the industry.
- Consumers could use the label to inform their purchasing decision.
- There is no formal requirement to have a device that is labelled in order to access public infrastructure or public transport. As such, there is no negative impact on those who already have a device, or visitors to Australia.
- The formal adoption of the labelling scheme would give allied health professionals, bulk purchasers of MMDs (hire schemes), and individuals involved in contracting for the supply of MMDs, more information about the appropriateness of each device.
- There was a suggestion that suppliers of MMDs that have been labelled in accordance with the Technical Specification could potentially limit their exposure to liability, should a MMD user be injured when utilising the device in accordance with the purpose of the label, for example while using a footpath.
- Passenger Transport agencies currently assist MMD users access passenger transport modes and the introduction of the TS may assist these agencies further identify MMDs designed to easily access passenger transport modes

Cons

- It is estimated that costs associated with testing MMDs against the Technical Specification and labelling them accordingly would be a nominal amount per device. Manufacturers and suppliers may seek to recover these costs through the sale price of the devices.
- Australian Consumer Law, on its own merits, is considered by some to be an ineffective mechanism for dealing with consumer concerns about the safety of products.
- The success of this option will depend on industry action and not all retailers would participate.
- Since the TS is not mandatory through this option, there is no requirement to have a device labelled in order to access passenger transport. – the labelling scheme is only designed to assist users and potentially passenger transport agencies identify which devices can access passenger transport.

Discussion Question

Are there any other pros and cons that should be considered for Option 3 (Industry driven adoption)?

National Disability Insurance Scheme

The National Disability Insurance Scheme (NDIS) provides funding for supports for people who are at least 7 years of age and not over the age of 64 and who have permanent and significant disability.

The National Disability Insurance Agency (NDIA) makes decisions about whether someone is eligible to become an NDIS participant, and also prepares a supports plan for each NDIS participant. The NDIA operates and makes decisions under the NDIS Act 2013 which sets out the criteria for determining what supports are considered reasonable and necessary for the NDIS to fund.

NDIS participants will generally consult allied health and other professionals to assist them with providing evidence of the supports and services they require. The participant and a NDIA planner will work to prepare a NDIS plan that, once agreed, is funded under the NDIS. An important criterion to include is that the recommended support(s) must be legal to use in the state or territory of supply.

Allied Health Professionals and the NDIA should be informed of the labelling system and encouraged to recommend or consider devices that are suitable for purpose as per the labelling system.

The eligibility requirement to be under 65 years of age to become a NDIS participant recognises that the NDIS is part of a broader system of support in Australia, with those aged 65 and over having access to the aged care system. The Early Childhood Early Intervention approach supports children aged 0-6 years who have a disability, as well as their families and carers.

Discussion Question

Are there any other partnerships or existing schemes that could be leveraged to better communicate the Technical Specifications once adopted?

4.4 Option 4 – Regulatory prescription of the Technical Specification

This approach proposes the adoption of the Technical Specification in regulation, by prescribing that a MMD must be labelled in accordance with the Technical Specification in order to access road infrastructure and/or public transport. For instance, to access footpaths, the MMD would have to have a white or blue label. To access public transport, the device would have to have a blue label.

Depending on which regulatory vehicle is used, there is a possibility that the burden of compliance would be placed upon the user, for example, through the ARR. This is a different model to the other options explored where the responsibility lies with manufacturers and/or suppliers.

As with Options 2 and 3, this option would need to be supported with guidance materials for industry, transport operators and suppliers, allied health professionals and consumers to ensure that the labelling scheme is correctly implemented and understood.

Participants at the stakeholder workshops were not strongly supportive of a regulatory approach for adoption. For some, restrictive controls being placed on their only means of mobility is not acceptable. For others, there were concerns about the 'blue' label for public transport being too restrictive, this is because the device is assessed to be complaint with all public transportation and therefore must meet the requirements for the most restrictive modes of transport (such as a bus). Concerns were raised that just because a device cannot safely manoeuvre on a bus, doesn't necessarily mean that it cannot safely access a train, ferry or tram. As the blue label was designed to give the consumer certainty that they can access all modes of DSAPT compliant public transport, it doesn't provide the granularity needed to determine suitability for select conveyances. It would not be possible to regulate to this level of granularity as a result which raised concerns with users and disability groups.

There was some appetite to explore the possibility of regulating for access to public infrastructure. This would mean that only compliant devices (labelled with a white or blue label) could be used on public infrastructure such as footpaths. It is acknowledged that any such regulation would need to have grandfathering arrangements to allow continued legal use of devices that comply with current regulation. The compliance burden would however rest with the user, rather than manufacturers or suppliers, as explored in other options.

Concerns were raised that this regulation could limit the use of non-compliant devices primarily designed for indoor use which have proven to be popular with consumers due to their portability and price point. The consumer choice principle was not met in this instance as it was felt a person should be able to choose to purchase a non-compliant device if they feel it bests meets their needs. Similar to the well-established ANCAP safety rating system for motor vehicles, a person can choose to purchase a less safe vehicle but does so with informed consent.

The counter claim to this was that of safety and societal costs. Examples of regulation to protect safety (such as child restraint or helmet laws) are numerous. Mandatory implementation of the white label would have a reasonable chance of realising all the safety benefits associated with public infrastructure and hence has the potential to reduce incidents and serious injuries.

From a regulatory perspective, implementing a regulatory approach for only part of the Technical Specification is fragmenting the solution. This is undesirable as it is only achieving some of the benefits and desired outcomes.

This option delivers against the following principles.

- Considering the MMD user. X
- Adoption should improve the safety outcomes for MMD users and other path users. √
- MMD users should be provided with choice. Users should be able to determine which MMD best suits their needs and circumstances. X
- Options should not prohibit MMD access to public infrastructure or public transport, where it is reasonable to access these conveyances. X
- There should be no unreasonable cost increases or time delays for consumers obtaining MMDs as a result of Technical Specification adoption. √
- There must be accountability for certifiers of devices against the Technical Specification. Options should include suitable repercussions for those who make false claims about compliance with the Technical Specification. √
- Option implementation must be achievable and include transitional provisions allowing sufficient time for industry to transition to new arrangements. It should not be implemented in such a way that restricts innovation. √

4.5 Other regulatory considerations

At the stakeholder workshops, there was a general acknowledgement that variable unladen mass limits (110kg - 150kg) for footpath access across Australian jurisdictions' legislation leads to confusion for users and manufacturers alike.

The Technical Specification effectively sets a new unladen mass on public infrastructure for mobility scooters at 170kg and sets no unladen mass limit for powered wheelchairs. This means that some heavier MMDs that conform with the Technical Specification might not comply with the current mass limits in the ARR. It was generally supported that a recommendation be submitted to the NTC to address this with a view to potentially adopting the mass limits provided for in the Technical Specification. It is noted that this does not provide an incentive for implementation of the Technical Specification itself, and that it would mean that the ARR would need to explicitly distinguish between mobility scooters and powered wheelchairs.

Option 4 – Pros and Cons

Pros

- Safety benefits could be fully realised. This also includes a reduction in crashes and serious injuries.
- Uniformity across Australia and clearly defined parameters for which devices could and could not be used.
- A follow-on effect of this would be that integrating the Technical Specification into legislation would allow for a specified commencement date. The effect of this would be to allow for transitional provisions to be implemented, and a static date by which time stakeholders would be abreast of the implications of the implementation.
- This framework would also allow for adequate penalties to be enforced relating to the misuse of the devices.

Cons

- MMD users and suppliers do not support the adoption of the Technical Specification through regulation. Regulatory adoption is considered to limit user choice and there were also concerns raised about enforcement action being taken against the user.
- In order to get effective adoption of the labelling scheme, changes to road rules and/or public transport laws would be required at a national level. This presents a significant challenge, requiring agreement across all jurisdictions on how and when to implement the regulation. There is a high risk of inconsistent adoption, with variations in timing or details of regulation creating confusion for the industry and users.
- Regulatory adoption of the blue label as a prerequisite for accessing public transport fails to take into account that many white label devices may actually be able to access public transport. There are also concerns about the absence of a blue label being used to restrict access to public transport.
- This approach may place a burden on the users of MMDs to ensure their device meets the regulation. rather than targeting practices at the point of sale.
- There would be a need for the regulatory framework to provide for exemptions, enabling MMD users with different needs to use a device that does not otherwise comply with the Technical Specification. This could be burdensome on users and governments in terms of administering the exemption framework.
- Similarly, 'grandfather' provisions that allow for the old rule to continue to apply to existing devices for a period of time, while the new rule applies to new and future devices would be required. There may also be a requirement for transitional arrangements to be put in place to allow for the legal use of devices already in the market that have not been labelled. Consideration would also have to be given to whether second hand devices had to be labelled prior to on-selling.
- Australia is a small market and the laws may not have an impact on manufacturing practices. This may require retrofitting of devices to meet compliance standards, increasing costs.

Discussion Questions

Are there other pros and cons that should be considered for Option 4 (Regulatory prescription)?

Do you have a view on possible amendments to the ARR to recognise the unladen mass limits for MMDs as shown in the Technical Specification?

Are there other options for the adoption of the Technical Specification that meet the key principles that have not been explored?

If so, please provide details of the option, including potential pros and cons.

5. Recommended Approach for Adoption of The Technical Specification

The preferred option based on the pros and cons from stakeholders' feedback, perceived safety benefits and raised principles alignment is Option 3 - Industry driven adoption of the Technical Specification.

This approach meets the objective of formally adopting the Technical Specification into a national framework without being overly prescriptive or restrictive about MMD use.

It is noted that it may still be appropriate to amend the ARR as considered under 'Other Regulatory Considerations' in Option 4, to align allowable unladen mass limits with the Technical Specification. If such changes are supported, recommendations regarding amendments to the ARR will be made to the NTC.

Discussion Questions

Do you agree that Option 3 (Industry driven adoption) is the preferred approach for adopting the Technical Specification for MMDs?

Do you think that the adoption of Option 3 is likely to be successful in achieving the desired benefits of the Technical Specification? If not, why not?

Would another option be preferable?

Do you have any general comments to make on the adoption of the Technical Specification?

6. Registration and Licensing for MMDs

The Senate Standing Committee on *Rural and Regional Affairs and Transport Inquiry into the Need for regulation of mobility scooters, also known as motorised wheelchairs* conducted public hearings in Melbourne on 23 July 2018. The Inquiry's Terms of Reference required that the committee investigate the safety of MMDs. Specifically, the number of deaths and injuries attributed to accidents involving mobility scooters in Australia (since their introduction). The committee was also asked to investigate the causes of these accidents. The Inquiry Terms of Reference also required the committee examine current regulations governing the use of mobility scooters and the regulatory role of government and non-government bodies.

The report which was handed down in September 2018 recommended that "…*Austroads should consider simple and low-cost registration and licensing arrangements and third-party compulsory insurance".*

This recommendation was handed down after evaluating submissions provided by state and industry bodies, advocacy groups and MMD users. In terms of licensing, submissions raised the need to improve education to the public about the correct and safe use of MMDs. In addition, there was commentary about a licensing framework providing testing and accreditation. This was considered by some to be favourable as those who correctly use the devices would easily pass and those who demonstrate poor behaviours or attitudes would be less likely to pass.

In terms of registration, Queensland is the only jurisdiction that currently registers MMDs. The benefits raised by the submissions included access to insurance, the ability to easily identify devices and a touch point to be able to provide better information about requirements. Other models that were highlighted in submissions included a requirement for a certificate of competency, with associated training and testing (including eyesight testing). Some submissions also linked the need for a medical professional to sign off on the need for a device before it is registered. For both the licensing and registration schemes, the key theme that submissions pointed to was the need for a mechanism to communicate or apply requirements to MMD users to improve safety.

6.1 Summary of advantages identified by the Senate Inquiry submissions

- Funding for Compulsory Third Party insurance (CTP) - public areas only. However, it was noted in the report that a registration scheme was not the only way to access insurance. It is noted that some Australian jurisdictions cover MMD users under nominal defendant provisions of CTP insurance.
- Ability to provide information and education to MMD users, but also to the broader community about safety around MMDs.
- Allows for medical assessments to be undertaken prior to a user having access to a MMD. This was described as having the ability to enhance the safety of the devices. Implementing such a medical assessment process could also be perceived to present a significant burden on the end user.

6.2 Summary of disadvantages identified by the Senate Inquiry submissions

- Described as an unworkable and costly system, which could further stigmatise and discriminate against people with mobility issues.
- Contrary to government commitments for 'better regulation' and 'red tape reduction'.
- Could create significant costs which would be borne by either the government, or the end users themselves.

6.3 Registration of MMDs

The stakeholder workshops held on 8 and 9 April 2019 asked participants to consider how a national registration scheme for MMDs might operate, and the potential benefits and pitfalls of such a scheme.

There are numerous possibilities regarding the features of a MMD registration scheme that could be applied nationwide. Participants identified the following features which could be considered as part of a registration scheme included:

- Access to insurance
- Identification of the user and/or device providing better data
- A nominal fee

As a means of comparison, the Queensland Registration scheme was discussed. Queensland is the only jurisdiction which requires MMD registration for use as a pedestrian on paths and roads. The Queensland MMD registration scheme is free and does not require renewal. Registration provides the user of the MMD with gratuitous CTP, and a registration plate. Registration and CTP insurance are legislatively linked and there is no mechanism to provide CTP insurance without a registration scheme.

A user doesn't require a medical certificate to register a MMD. Users are provided an information booklet about MMDs upon registration of the device.

In terms of its utility, participants identified the importance of a system that would not prevent users from accessing MMDs. This system could include either automatic registration upon purchase, or an online application by the user. It was also raised that a registration system needs to serve a clear purpose, be it safety or otherwise. A clear objective for registration outside of access to CTP insurance and data capture could not be easily established.

As a counter to these 'objectives' participants also identified a number of other avenues that could be used to access insurance, including personal comprehensive insurance which also covered private property. However, these other avenues may come with a cost. MMD users who participated in group discussions also strongly spoke to their views against being visually identified with a plate, compared to other pedestrians. Requiring device registration and identifying a user by assigning a numerical sequence, when they have no other mobility options, could be seen as discriminatory.

The positives and negatives of a national registration scheme as identified by participants in the workshop are summarised below.

Registration scheme – Pros and Cons

Pros

- The Queensland registration scheme provides gratuitous compulsory third party insurance (CTP) coverage for MMD users. A national scheme could provide the same benefit.
- A registration scheme may provide the ability to track the lifecycle of MMDs.
- One of the key benefits of adopting a nationwide registration scheme is the ability to collect information and link the MMD to a person, allowing for identification and traceability of the devices.
- Many other benefits that were provided incorporated elements of the data collection. If MMDs were registered, data collection would allow for governments to accurately and concisely deal with issues that may arise including communicating with users of MMD's in a holistic manner.
- Adopting registration across the country would also allow for a nationally consistent and standardised approach, both in terms of insurance and fees.
- Registration of MMD's could allow for a mechanism to educate users about applicable road rules and general information regarding their device.
- Potential enforcement benefits for those breaking the rules (easier identification)

Cons

- The establishment and maintaining a registration scheme will come at a cost to government agencies, particularly if number plates are required. These costs would likely be passed on to MMD users.
- Individuals were very concerned about being individually identified on the street, when the same requirement is not imposed on other pedestrians.
- Implies that a MMD user cannot access public infrastructure without being registered, which raises issues of discrimination when users of motorised wheelchairs have no other mobility choice. No other pedestrian group, including bike riders and 'rideable' owners are required to register their devices.
- National consistency, which was raised as a positive, could also be seen in a negative in this regard, given the difficulty in ensuring that all jurisdictions agree to adopt similar regulations relating to MMD's.
- Enforcing compliance with the requirement to register could be difficult, as there is no unique vehicle identification number. Unlike registration of a vehicle, it is unclear what reporting mechanisms would be in place, and what penalties noncompliance would attract.
- By instituting a registration system, some MMD users may view this as allowing access to the road, which could result in serious road safety issues. This has been observed in Queensland.
- Timely maintenance of the database is likely to be difficult. Queensland currently does not require annual renewals after the first registration and there may be many MMDs on record that are no longer in use or have changed address or ownership. This defeats the main advantage of registration - identifying and locating registered owners.
- There are also a number of logistical issues arising from registration of devices, including the capture of manual wheelchairs with motorised attachments.
- There is also the cost and question of international visitors and how to appropriately address registration of those particular devices. Exemption arrangements could be considered, but this too could have implications.

6.4 Recommended approach for Registration of MMDs

Based on stakeholder feedback, there was little support for the adoption of a nationally-consistent registration scheme for MMDs, aside from the protection offered by CTP insurance because of registration.

As illustrated above, the benefits were far outweighed by the costs and disadvantages for users. Similarly, a clear case for the need for a registration system could not be established.

It is therefore recommended that no further steps be taken in pursuit of a national registration scheme for MMDs. It is however recommended that each jurisdiction consider how CTP could be provided to MMD users.

Discussion Questions

Are there any other pros or cons associated with the registration of MMDs that should be considered?

Do you agree with the recommendation that no further action is taken with respect to registration of MMDs? Can you please provide your reasons for this response?

(For governments) Please provide a view on options for provision of CTP insurance to MMD users, separate to MMD registration.

6.5 Licensing of MMD users

The stakeholder workshops held on 8 and 9 April 2019 asked participants to consider how a licensing scheme for users of MMDs would operate, and the pros and cons of such a scheme.

Workshop participants were asked to consider what features a licensing system for a MMD might have, and the overarching purpose of such a system.

There are numerous possibilities regarding the features of a MMD licensing scheme that could be applied nationwide. Participants identified the following features which could be considered as part of a licensing scheme included:

- Training and testing requirements (including road rule knowledge and device competency)
- Mechanism to educate
- A fee
- Ability to issue demerit points and/or fines for rule breakers due to better identification
- Better access to individual data

No jurisdiction presently requires MMD users to obtain a licence to operate a device, therefore jurisdictional learnings are not available. However, like the registration discussion, participants commented that costs required to establish such a system would need to be justified as meeting a distinct use case or safety benefit.

Similarly, jurisdictions do not require any other pedestrian, such as users of wheeled recreational devices, to obtain a licence. Neither do they require some vehicle users, such as bike riders to obtain a licence. It was also discussed that for most MMD users, using a device is relatively simple (one throttle and one brake) and intuitive. For these users a competency assessment would not be required. However, some MMD users with multiple impairments which include physical, sensory, intellectual and cognitive disabilities (of all ages) may experience difficulty with using the device safely in all contexts, including dynamic pedestrian and road environments. It was also highlighted that education on how to use the device was already performed by the likes of Occupational Therapists in some circumstances.

The risk the MMD poses at low speed on footpaths was also considered to be low when compared to a larger car operating at higher speeds on a multi-use road. Notwithstanding the acknowledgement that users and other pedestrians may be frail, elderly and have multiple co-morbidities raising the risks of significant trauma and death.

Some general discussions were also held regarding users who are unable to operate a device independently with the suggestion being that this would be better captured though an alternative therapeutic avenue by those better placed to find suitable alternatives than a transport department.

The key element of education was also discussed. However, the provision of user education is not dependent on having a licensing scheme. Better education could be provided by transport departments, industry and organisations without the need to licence. The only benefit linked to licensing that was agreed as useful was data capture. While this is a key benefit and could have many advantages, the need for data alone should not be the impetus for a licensing scheme.

The positives and negatives of a national licensing scheme as identified by work participants are summarised below.

Licensing scheme – Pros and Cons

Pros

- The collection of, and access to demographic data of MMD users. This would also facilitate distribution of information amongst MMD licence holders.
- Education and training exercises may be imposed on those wanting to gain a licence for riding MMDs, allowing for a platform to encourage good driver behaviour and provide lessons on how to use the device appropriately.
- In addition to training and education, it may be possible to conduct medical assessments to ensure that users of mobility devices have the physical and cognitive ability to adequately control the device.

- A licence could also provide an identity document to MMD users.
- Individual data could assist in enforcement activities for those breaking the law.

Cons

- The establishment of a licensing scheme will come at a cost to government agencies, particularly in terms of administering the testing of MMD users and the issuance of a licence product. These costs would likely be passed on to MMD users.
- The implementation of a licensing scheme could be extremely unpopular. Many MMD users surrender their driver licences on medical grounds. There is no perceived benefit by then requiring them to obtain another different licence. This would be viewed as an unnecessary burden.
- By creating a licensing scheme for MMDs, a number of juvenile users would be unable to access licences on the basis that they are not old enough for a traditional licence. This could prevent them from accessing services necessary to them.
- Such a scheme would also be inconsistent with the approach for other pedestrian groups, including cyclists, and users of electric scooters and other personal mobility devices who are not required to be licensed.
- There would also be difficulty in creating a licensing scheme that would appropriately cover users of motorised scooters and powered wheelchairs, noting that these devices are not the same.
- The need for a licensing scheme is often linked to risk. It was felt that a licensing scheme was not justifiable on the basis that MMDs are considered relatively easy to operate for the majority of users, and do not travel at a speed that would make them a significant road safety risk.
- Similar to registration, users of MMDs who acquire a licence may feel entitled to use the road.
- Licensing would create additional barriers to people with disabilities, of whatever age, from being included in this community, and would not improve crash risk or safety.
- Further, by requiring users of MMDs to acquire a licence, the system could effectively stigmatise and discriminate against people with mobility issues.
- Licensing evaluations/testing only evaluates the user's competence at a certain point in time and does not take into account changing user capabilities (e.g. due to deteriorating, improving or fluctuating conditions).

6.6 Recommended approach for Licensing of MMDs

Based on stakeholder feedback, there was no support for the adoption of a nationally-consistent licensing scheme for users of MMDs. As such, it is recommended that no further steps be taken in pursuit of a licensing scheme. It is, however, recommended that each state and territory give formal consideration and provide a clear positional statement.

Discussion Questions

Are there any other pros or cons associated with licensing of MMD users that should be considered?

Are there other options that would achieve similar outcomes to licensing (particularly user identification and competency) that have not been considered? If so, please describe and provide pros and cons.

Do you agree with the recommendation that no further action is taken with respect to licensing of MMD users? Can you please provide your reasons for this response?

(For governments) Please provide a formal positional statement on adoption of a national licensing scheme.

7. Guidance Questions for Response

Option 1 – Do nothing

- Are there any other pros and cons that should be considered for Option 1 (do nothing)?

Option 2 – Consumer driven adoption

- Are there any other pros and cons that should be considered for Option 2 (Consumer driven adoption)?

Option 3 – Industry driven adoption

- Are there any other pros and cons that should be considered for Option 3 (Industry driven adoption)?
- Are there any other partnerships or existing schemes that could be leveraged to better communicate the Technical Specifications once adopted?

Option 4 – Regulatory prescription

- Are there any other pros and cons that should be considered for Option 4 (Regulatory prescription)?
- Do you have a view on possible amendments to the ARR to recognise the unladen mass limits for MMDs as shown in the Technical Specification?

Technical specifications

- Are there other options for the adoption of the Technical Specification that meet the key principles that have not been explored?
- If so, please provide details of the option, including potential pros and cons.

Recommended approach for technical specifications

- Do you agree that Option 3 (Industry driven adoption) is the preferred approach for adopting the Technical Specification for MMDs?
- Do you think that the adoption of Option 3 is likely to be successful in achieving the desired benefits of the Technical Specification? If not, why not?
- Would another option be preferable?
- Do you have any general comments to make on the adoption of the Technical Specification?

Recommended approach for registration of MMDs

- Are there any other pros or cons associated with the registration of MMDs that should be considered?
- Do you agree with the recommendation that no further action is taken with respect to registration of MMDs? Can you please provide your reasons for this response?
- (For governments) Please provide a view on options for provision of CTP insurance for MMD users, separate to MMD registration.

Recommended approach for licensing of MMDs

- Are there any other pros or cons associated with licensing of MMD users that should be considered?
- Are there other options that would achieve similar outcomes to licensing (particularly user identification and competency) that have not been considered? If so please describe and provide pros and cons.
- Do you agree with the recommendation that no further action is taken with respect to licensing of MMD users? Can you please provide your reasons for this response?
- (For governments) Please provide a formal positional statement on adoption of a national licensing scheme.

8. Next Steps

Responses to this Discussion Paper will be considered by Queensland Department of Transport and Main Roads, as the lead agency for the Austroads project. A report will be prepared for consideration by the Austroads Registration and Licensing Taskforce, which consists of representatives from states and territories and the Australian government. Recommendations will be made based on stakeholder feedback to this Discussion Paper.

Appendix A Comparison of Australian Standard and Technical Specification Requirements

Table A.1: Comparison of Australian Standard and Technical Specification Requirements

AS/NZS 3695.2 only	AS (Class B) and TS 3695.3	TS only
• Risk analysis (pinch points, sharp edges etc) • Mass of heaviest component • Battery chargers • Electronic control systems • Fatigue test of parking brake • In-vehicle use (AS 3696.19) • Seat design and adjustment • Control operation and forces • Recommended features • Pre-sale information • Warning labels • Climatic performance • Foot support	• Dynamic stability on a 6º slope (starting, stopping and turning) • Static stability on a 9º slope • Obstacle climbing and descending (50mm step) • Ground unevenness 30mm • Maximum speed (TS 10km/h) • Brake operation & performance • Parking brake effectiveness on a 9º slope • Charge indicator • Range 25km • On/off controls • Battery safety • Tyre valves and markings • Freewheel mode • Resistance to ignition • Anterior pelvic support (e.g. seat belt standard or optional) • Unique identifier (serial number)	• Low speed switch (5km/h) • Lateral stability: slipping sideways off a 50mm step • Traversing a 75mm gap • Maximum device width 850mm • Maximum device length 1500mm • Maximum unladen mass (170kg for mobility scooters) • Label requirements • Blue Label only • Allocated space and swept path tests • Narrow access path test • Maximum width 740mm, subject to manoeuvring tests • Length subject to manoeuvring tests • Dynamic stability tests are conducted on a steeper slope (7.1º)

Important: This table is for guidance only. Refer to the relevant document for details.

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