



**Submission to the Senate Rural and Regional Affairs and
Transport References Committee**

Inquiry into the need for regulation of mobility scooters

**Prepared by
COTA Australia**

13 March 2018

COTA Australia

COTA Australia is the national consumer peak body for older Australians. Its members are the State and Territory COTAs (Councils on the Ageing) in each of the eight States and Territories of Australia. The State and Territory COTAs have around 20,000 individual members and more than 1,000 seniors' organisation members, which jointly represent over 500,000 older Australians.

COTA Australia's focus is on national policy issues from the perspective of older people as citizens and consumers and we seek to promote, improve and protect the circumstances and wellbeing of older people in Australia. Information about, and the views of, our constituents and members are gathered through a wide variety of consultative and engagement mechanisms and processes.

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Introduction

COTA Australia is pleased to have the opportunity to contribute briefly to this Senate Inquiry, on an issue of importance to many older Australians - mobility scooters. Indeed, Scooters Australia claimed in 2009 that the overwhelming proportion of mobility scooter users are in the 70+ age group and in fact, in the previous few years, most purchasers were aged over 80.¹

While we recognise that mobility scooters and motorised wheelchairs are equally important to many younger people with disability, as COTA's constituency is older Australians and our focus is on ageing, we will confine our comments to the experience and needs of older people with limited mobility or a disability.

We note that the Senate Committee clarified its terminology during the course of the Inquiry, to treat motorised mobility scooters and motorised wheelchairs as separate vehicles, to be considered separately in its deliberations. COTA's submission preparation focused primarily on motorised mobility scooters. Although wheelchairs have a different function to scooters, and their users may not have the ability to transfer from it without assistance, we believe that much of what we say regarding scooters is relevant to motorised wheelchairs.

COTA's primary view is that mobility scooters bring independence and movement to many people who would otherwise have difficulty getting around in their communities to undertake simple tasks taken for granted by most people. The capacity to visit friends and family, shop, attend appointments and be part of community activities are crucial to quality of life and to enable older people to remain independent and in their own homes for as long as possible. Mobility scooters are also particularly important to older people in areas with limited public transport.

Older people want to be part of their communities. They want to get out and about, they want to stay fit and active and they want to keep up with friends and family, and with interests and volunteering, even if they start slowing down or are no longer able to drive.

We therefore should do all we can to make our community easy for pedestrians of all ages to use safely - and pedestrians now include those using mobility scooters, walking aids, pushers and prams, wheelchairs etc.

*Jane Mussared, Chief Executive, COTA SA
(Media Statement January 2018)*

Equally, COTA views the safety of scooter users and all pedestrians, including older people on foot who may not always have the physical agility to avoid collision with mobility aids sharing the same pathways, as also crucially important.

To support this balance of needs, the COTAs in the States and Territories have a long history

¹ Scooters Australia, *Mobility Scooter Safety* Presented by Scooters Australia to the ACCC Reference Group meeting on Scooter Safety, September 17th, 2009 in Canberra
<https://www.scootersaus.com.au/images/PDFs/MobilityScooterSafety.pdf>

of involvement in community awareness, skills training and policy and regulatory development related to mobility scooters and we have drawn on that experience in this brief submission.

At a national level, COTA has also previously engaged with important investigations such as the ACCC's 2010, 2011 and 2012 work on mobility scooter safety.

It is important to state at the outset that COTA's experience leads us to the view that the issues around mobility scooters are most usefully considered in the broader frameworks of age-friendly cities, social inclusion and healthy ageing, rather than solely within a narrower regulatory context focused on safety concerns. Nonetheless, over the past several years COTA Australia has supported a degree of regulation of mobility scooter use, as an important component of a broader approach to the issue.

Response

COTA offers below brief responses to some, but not all terms of reference of the Inquiry.

b) The causes of mobility scooter accidents

In 2002 COTA ACT and Able Access partnered on a NRMA ACT Road Safety Trust funded project which led to the report *Scooter Safe: Policy Implications and recommendations related to use of electric scooters and wheelchairs in ACT* and the development of the *Scooter safe – A Scooter Drivers Guide and the Scooter Safe Scooter Training Handbook*. COTA Australia incorporated the causes of accidents identified in that report as part of our overall policy on mobility scooters. The causes fall into five categories:

(i) Quality (roadworthiness or reliability) of scooters on the Australian market

There is variance in the quality of mobility scooters entering Australia but little or no formal information or certification concerning performance and quality is generally available as far as COTA is aware.

(ii) Ability of individuals to competently and safely use scooters

People can use mobility scooters on public thoroughfares without training and regardless of their ability to use or operate them. There are limited avenues of advice and assistance for the general user who is not in a formal rehabilitation scheme. Some jurisdictions offer training and support programs from time to time, but this is not a consistent practice, despite the obvious benefits to the user and the community.

(iii) Fitness for purpose - whether the individual has the right mobility scooter

There is widespread variation in the level and quality of dealer support in the initial product selection process. Consequently, scooters can be purchased without sufficient information or consideration as to whether they are appropriate for the intended use and the individual user.

(iv) Transport Infrastructure

A safe environment includes appropriate pathways, absence of obstructions and impediments, suitable ramps and kerb access from street level. Pathways need to be able to accommodate the range of users on them at the same time, and the increasingly common presence of café tables and mobile signage on city and town footpaths reduces what may already be limited circulation space for pedestrian transit.

(v) Road rules, responsibilities and interpretation

Under current legislation and practice mobility scooters are generally considered a medical device and regarded as a wheelchair which in turn means the transit rules are those that apply to a pedestrian. However, there are different road rules and different interpretations across the States and Territories. There is also wide variation on other aspects governing the safe use of motor scooters including definition of the rights and responsibilities of mobility scooter users. This lack of clarity and consistency adds to a confusing and potentially dangerous environment for both scooter users and other pedestrians alike.

Speed is a crucial consideration in the safe use of mobility scooters, both for the user and for other pedestrians. A 'fast walk' speed limit of 8-10 kph offers a reasonable guide, but it is unclear to COTA whether this is the limit required and enforced in all jurisdictions. The prevalence of mobility scooters in the community able to exceed a limit of 10kph is also unknown.

An additional consideration regarding road rules into the future may be the use of highly portable "travel scooters" brought to Australia by older overseas tourists and others with limited mobility, or the hire of motorised scooters by tourists when they arrive. Easily accessible information and jurisdictional consistency of approach to transit rules and practice for mobility scooters will be important safeguards for both the tourists and Australian pedestrians.

In summary, each of the above causes could be addressed by improved regulation and information, through for example, consumer law, road safety rules including speed limits, scooter registration and compulsory insurance, town planning laws and Australian Standards. However, it is essential that additional costs entailed in regulation do not put mobility scooters beyond the financial reach of those who need them. It is also essential to keep in mind a range of other policy imperatives such as the health and wellbeing of older people and their social inclusion within their communities while considering the right level and type of regulations to enact.

c) Current regulations governing the use of mobility scooters throughout Australia

A non-exhaustive web-search of the regulations governing motorised scooter use in Australia shows a plethora of confusing and contradictory information. State and Territory COTAs also report ongoing, regular inquiries for information on the safe use of mobility scooters.

In the face of this confusion, COTA recommends that governments collaborate to create a central hub of authoritative, well-maintained, straightforward information using harmonised terminology that clarifies the rules and requirements for mobility scooters in each jurisdiction. The web-based information should be provided in print material as well, given the 'digital divide' still experienced by many older Australians and, possibly, older overseas tourists.

In regard to specific State/Territory systems, we highlight Queensland in this submission.

COTA Queensland reports that the regulatory framework around mobility scooters which has been in place in that jurisdiction for some time is well-accepted, and the required responsible practices appear to be increasingly embedded in the community. COTA Queensland commends the Queensland government for its leadership on this issue.

Key components of the Queensland framework include required insurance and registration of motorised scooters, providing protection for both users and others who share public space. This program is government rather than user funded and its primary goal is protection of the public. It provides a valuable model.

e) Support structures

COTA considers that the provision of information, training and support for mobility scooter users is paramount. A number of State/Territory COTAs have led and collaborated with other stakeholders in mobility scooter information, education and support programs over many years.

In South Australia, COTA SA partners with the Department of Transport Planning and Infrastructure to deliver the successful Moving Right Along program. Moving Right Along offers an educational session to groups of seniors about motorised mobility scooters, with the key messages of the one-hour session being;

- we all have obligations and responsibilities around safe motorised mobility scooter use;
- we should assess our health, skills and abilities to be a safe scooter user;
- there is support and information available to make informed decisions about safe scooter purchase and use; and
- planning makes for a worry-free and safe scooter experience.

Peer Educators (in this case older volunteers who share information and their experience with other older people) talk about the road rules that apply to scooters, the components and

optional extra features of a scooter, how to assess if a scooter is suitable for the individual, safe route planning and safe riding practices, and they promote the SA Independent Living Centre as an excellent information resource. There are two activity sheets and an information sheet that are distributed at sessions to people to take home.

COTA's experience is that peer-led education and community development is a highly effective model to reach older people with important health and safety messages.

As referred to above, in the ACT, COTA ACT, in partnership with Able Access, undertook a project in 2002, funded by NRMA-ACT Road Safety Trust, which led to a significant report, user guide and training handbook.

COTA Queensland notes that the comprehensive Queensland Government publication, *Wheelchairs and Mobility Scooters, A Guide for Safe Travel in Queensland 2017*, was prepared using the good practice of involving responsible scooter users and key community organisations in the co-design of the material.

In addition to these supports directed at users, COTA believes it is equally important to ensure that the broader community understands the rules and requirements governing mobility scooters. Scooter users are only one side of the equation, and therefore community education is essential to inform the broader general public about the respective rights and responsibilities of scooter users, pedestrians and road traffic as they share transit space. This includes arrangements for mobility scooters and motorised wheelchairs accessing public transport; an increasingly possible and common occurrence in some jurisdictions.

Conclusion

COTA proposes the following approaches and measures to the Inquiry. We believe that they would strengthen the value and safety of mobility scooter transport for older people and those with mobility limitations, while at the same time increasing safety for other pedestrians.

1. Policy change and regulation of mobility scooters should be considered within the broader frameworks of age-friendly cities, social inclusion and healthy ageing, and not solely within a narrow safety regulation context.
2. 'Light touch', nationally consistent regulation should be developed regarding
 - a. No cost mobility scooter registration
 - b. Compulsory third party insurance, tailored to ensure it does not inflict unreasonable costs on existing and potential users and does not discriminate on the basis of age
 - c. Nationally consistent, clearly communicated and enforced mobility scooter speed limits
 - d. Expert and professional consumer advice and product information available to all purchasers

- e. The creation of a comprehensive Australian Standard on mobility scooters
 - i. Only scooters that satisfy at least minimum standards reach the Australian market.
- 3. Appropriate training and support on use and safety issues and rules and regulations should be offered on an ongoing basis in all jurisdictions by governments or through fully-funded government/community partnerships.
- 4. Governments should collaborate to create a central hub of authoritative, well-maintained, straightforward information using harmonised terminology that clarifies the rules, regulations and requirements for mobility scooters in each jurisdiction. The web-based information should be provided in print material as well, given the 'digital divide' still experienced by many older Australians and, possibly, older overseas tourists.
- 5. Governments should collaborate to inform the broader general public about the respective rights and responsibilities of scooter users, pedestrians and road traffic, as they share transit space. This should include information about arrangements for motorised mobility scooters and wheelchairs accessing public transport; an increasingly possible and common occurrence in some jurisdictions.

COTA Australia would be pleased to discuss this further with the Committee.