People with Disabilities WA

individual & systemic advocacy

**Submission**

**Senate inquiry:** The need for regulation of mobility scooters, also known as motorised wheelchairs.

People with Disabilities (WA) Inc. (PWdWA) would like to thank the Senate Standing Committees on Rural and Regional Affairs and Transport the opportunity to provide comment on the inquiry into the need for regulation of mobility scooters, also known as motorised wheelchairs.

PWdWA is the peak disability consumer organisation representing the rights, needs and equity of all Western Australians with disabilities via individual and systemic advocacy.

PWdWA is run BY and FOR people with disabilities and, as such, strives to be the voice for all people with disabilities in Western Australia.

**President: Lisa Burnette**

**Executive Director: Samantha Jenkinson**

**People with Disabilities (WA) Inc.**

Oasis Lotteries House, 1/37 Hampden Rd, Nedlands, WA 6009

Email: samantha@pwdwa.org

Tel: (08) 9485 8900

Fax: (08) 9386 1011

TTY: (08) 9386 6451

Country Callers: 1800 193 331

Website: [http://www.pwdwa.org](http://www.pwdwa.org/)

### People with disabilities WA (PWdWA)

Since 1981 PWdWA has been the peak disability consumer organisation representing the rights, needs, and equity of all Western Australians with a physical, intellectual, neurological, psychosocial, or sensory disability via individual and systemic advocacy. We provide access to information, and independent individual and systemic advocacy with a focus on those who are most vulnerable.

PWdWA is run by and for people with disabilities and aims to empower the voices of all people with disabilities in Western Australia.

**Introduction**

In December 2017, the Senate moved that the motion by Senator John Williams for ‘the need for regulation of mobility scooters, also known as motorised wheelchairs’ be referred to the Rural and Regional Affairs and Transport References Committee for inquiry.

PWdWA have provided a submission based on feedback from all members of the organisation, many of whom use powered mobility devices. People with disability who use such modes of transport are doing so out of necessity and the proposed restrictions will have a major functional impact on their lives and in some cases a breach of human rights under the United Conventions on the Rights of Persons with Disability (UNCRPD) and in particular Article 20 – personal mobility.

**ISSUES**

**Definition**

PWdWA are extremely concerned that mobility scooter and motorised wheelchair are for the purposes of this inquiry the same type of vehicle. There is evidence to indicate they are different and provide accessibility for different cohorts of people and often different activities.

For example, motorised wheelchairs (or powerchairs) are predominately used by people who are completely unable to walk. The powerchair is characterised by specialised seating, bespoke modifications and often controlled by a joystick.

Mobility scooters are very often used outside the house by people who are unable to walk long distances, characterised by a tiller style steering mechanism, generic specifications, and often have the capacity to carry more than one person.

Both are important devices which can provide different types of supports to people with different types of disability, including people who are frail aged. Our understanding is that the proposed regulations would affect all of these types of assistive technology and therefore have an impact on a wide range of people with disabilities.

**Proposed Weight Restrictions**

PWdWA are concerned that the proposed weight restrictions of 150KG will significantly reduce the capacity of mobility scooters and powered wheelchairs to do the job that they are intended to do. People come in a wide range of sizes and weights and mobility scooters and powered wheelchairs also come in a wide range of sizes and weights to meet the requirements of the individuals that use them.

Many Power wheelchairs have specific adaptions for the individuals using them for mobility. For these vehicles, often the only way to reduce weight is to reduce the size of battery. This will have major implications for speed and length of trip duration for people who need this type of mobility support. There is little research to our knowledge which provides information on current range of weights for different mobility devices.

**Speed limits**

PWdWA are concerned that placing speed restrictions on mobility scooters and power wheelchairs will impose a danger for the user when they need to manoeuvre quickly to avoid danger. PWDWA are concerned that limiting the speed of these mobility devices is a discriminatory practice against a wheelchair user under the Disability Discrimination Act (DDA) Act which legislates for equal access for people with disability. The average running speed for a human is approximately 9KM per hour. Limiting people who use mobility scooters and power wheelchairs to below this is clearly unreasonable and discriminatory.

There are laws that determine the speed of car drivers and these speed limits vary dependent on the circumstance. There is also a responsibility on the driver of the vehicle to observe speed limits. It is not unreasonable for powerchair users to do the same. Our concern is with the blanket regulation that does not provide any differentiation between types of powered mobility devices and the places they are used.

**Supporting infrastructure**

In regional areas as well as metropolitan areas many people with disabilities who cannot drive rely on their powered mobility device to access shops, recreation, and amenities in the community. There are still many areas where there are no footpaths or footpaths which are 1 to 1.2 m wide rather than the 1.8 m wide minimum which is recommended. This means that people using mobility devices are either forced to use the road where they require increased speed, or are in conflict with pedestrians, cyclists, and street furniture.

**Pedestrian awareness**

PWDWA members and people with disability more generally have raised the issue of people in the general community not being aware of those around them when walking. In situations where there are multiple types of footpath users, there are bound to be times when there is conflict between different types of pedestrians. There is an onus that needs to be placed on all users of the footpath to be aware of their surroundings and give way when required.

**RECOMMENDATIONS**

1. **Definition of Inquiry is re-classified**

PWdWA recommends that there is a distinction between types of power mobility devices and the subsequent education and regulations that may be attached to a more nuanced approach.

Further research into types of devices, weights of powered mobility devices, and the uses of powered mobility devices is required to allow detailed consideration and scrutiny to be applied for the different functions and often, different consumer needs.

There should not be a blanket coverage in legislation determining weight restriction and speed limits for all powered mobility devices, each device should be legislated differently.

1. **Education**

PWdWA recommends the following:

Implement a public awareness campaign to inform pedestrians about other footpath uses such as cyclists, powerchair users and mobility scooter users.

Educate the people who use mobility scooters and powerchairs, but recognising the type and nature of training may be different depending on the mobility device.

Ensure that retailers are providing the basic training to those purchasing a mobility device or to those people who will be using the device.

1. **Speed Restrictions/Safety**

PWdWA recommends that speed restrictions will need to be varied depending on the situation and circumstance. For example, 10KM/H is dangerously high in densely crowded areas, however, on a wide, flat footpath this would be commensurate with cyclists using the footpath. 6KM/H is slow when crossing a main road and could be slow when attempting to avoid an emergency situation or travelling a long distance on the side of a road in a rural area.

It is recommended a two- tier system as enforced internationally could be introduced in Australia. The premise supports an upper limit of 6KM/H in built up areas, crowded places, shopping centres and public buildings. Elsewhere there is a 10KM/H for other circumstances such as quiet areas, busy roads, regional and remote areas.

1. **Better footpath and road infrastructure**

PWDWA recommends that the federal government enforce that all local governments implement a footpath strategy to upgrade and put in appropriately wide footpaths on every street, with wider paths on main retail streets.

1. **Regulatory role of Government and non-government bodies.**

PWdWA recommends that the Government does not over regulate the need for mobility scooters and power wheelchair users to be registered to use their mobility devices. The majority of power wheelchair users under 65 will be eligible for NDIS and as such appropriate training can be factored into their plans. A similar approach for those over 65 in the aged care system could also be implemented.

**Conclusion**

PWdWA would like to see a sensible and common sense approach used in relation to the regulation of powered mobility devices. Many of the submissions that this enquiry has received give perspectives from people who use powered wheelchairs and mobility devices as well as those who are pedestrians.

PWdWA have provided five key recommendations that we believe will help the inquiry to establish key areas for consideration. PWdWA does not endorse weight restrictions and speed limits for people with disability who use either a powerchair or mobility scooter as this is discriminatory and leaves the user at a disadvantage. PWdWA does however advocate for enabling practice such as better road design and education for both users, pedestrians, cyclists and car drivers. A nuanced approach which allows for further research as well as education before making any blanket decisions which may have a detrimental impact on a range of vulnerable road users is required. There is an onus on everyone to make responsible and sensible choices when using roads and footpaths to ensure a safe environment for all.