

MULTIPLE SCLEROSIS AUSTRALIA

**Submission to 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.**

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About Multiple Sclerosis Australia

MS Australia (MSA) is the national peak body for people living with multiple sclerosis (MS) in Australia. Our role is to work on behalf of all state and territory based member organisations to provide a voice for people living with multiple sclerosis across the country to support the development of:

- Research
- Advocacy and awareness
- Communication and information
- Services provided by our member organisations
- International collaboration

MSA advocates across all stakeholders, governments and communities, on behalf of our members, to represent people who are diagnosed with MS, their carers and the broader MS community.

Our Vision

Is consistent with the vision of the Multiple Sclerosis International Federation – **'A world without MS'**

Our Mission

MSA will support our members and work towards meeting the needs of people with MS, their families and carers. We will facilitate a national comprehensive representation of the Member organisations through advocacy and communication.

Our Purpose

On behalf of our members and people with MS, our purpose is to develop:

- **Research:**
Supporting ongoing research to pursue further knowledge in targeting prevention, improving treatment, enhancing quality of life and ultimately, to find a cure.
- **Advocacy and Awareness:**
Although MS impacts people differently, there are common, fundamental issues for people affected by the disease. We are steadfastly committed to giving these people a voice and remain willing and able to work with government and the Australian society to champion issues in a dynamic policy environment to bring about change to the lives of people living with MS.
- **Communication and Information:**
Utilising traditional, contemporary and innovative channels to source information and share it with people with MS, our member organisations and our key stakeholders.
- **Support for our member organisations:**
As MS specialists providing and facilitating high quality services that span the life-time needs of people affected by MS and other degenerative neurological conditions, their families and carers – from the point of early symptoms and pre-diagnosis, that addresses their changing needs.
- **International Collaboration:**
Representing the MS cause and promoting collaboration with our domestic and international partners.

Introduction

MS Australia (MSA) is pleased to provide a submission to 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 focus of the comments provided in this submission are on key areas that will impact on people affected by MS.

Our submission is framed around the inquiry terms of reference (b), (c), (e) and (f):

- b. the causes of accidents involving mobility scooters;
- c. any current regulations governing the use of mobility scooters throughout Australia;
- e. what support structures are in place to ensure the safe operation of mobility scooters;
- f. the regulatory role of government and non-government bodies;

MS is a debilitating disease of the central nervous system. It is the most common chronic neurological condition affecting young adults in Australia. The average age of diagnosis is between 20 and 40 years of age, and 75% of people diagnosed are women.

Many people with MS become disabled as their MS progresses and rely on various forms of assistive technology such as mobility scooters, often in combination with various forms of public transport. These scooters provide a lightweight solution for increased mobility when travelling interstate and overseas. These forms of assistive technology facilitate social inclusion, economic participation and autonomy, while creating significant cost benefits to the health and social services sectors.

Not all forms of assistive technology however, including mobility scooters, can be accessed in an equitable and affordable fashion in Australia.

MSA is concerned that an inquiry of this kind has the potential to be unnecessarily punitive and restrictive and does not want to see the introduction of further barriers to people with MS maintaining their independence.

New technologies have seen a significant rise in the types of scooters available and the industry has stated that demand for scooters has risen dramatically in recent years. Whilst we understand the need for safety regulation, we would also recommend that the current assistive technology systems that exist in Australia be overhauled as access to them is inequitable and confusing, with many programs operating in many jurisdictions.

The causes of accidents involving mobility scooters

Members of the MS community believe that accidents involving mobility scooters are attributable to two factors:

1. Lack of assessment by a qualified therapist of a person's suitability or ability to safely drive a mobility scooter, and
2. Lack of training or instruction given to people when they first buy their mobility scooter.

We have made recommendations regarding these factors towards the end of this submission.

Most states and territories have a speed limit of 10 kph for motorised scooters and other submissions to the enquiry have made comments and/or recommendations regarding speed limits. A sensible suggestion would be to consider adopting two levels of speed limits; an upper speed limit of 10 kph to ensure safety when crossing, or travelling on shared paths and a reduced limit of say 6 kph when visiting shopping centres, pedestrian malls, on retail area footpaths and in public buildings such as museums and galleries. The difficulty in 'policing' these speed limits is acknowledged.

Current regulations governing the use of mobility scooters throughout Australia

The current regulations governing the use of mobility scooters varies from jurisdiction to jurisdiction throughout Australia. Three examples from Queensland, Victoria and New South Wales are provided below. In addition, the material provided in each state in various brochures, web-sites and documents is presented in a variety of styles and each contains different levels of detail. A consistent, national approach to regulations and the provision of information would be helpful.

Queensland:

<https://www.tmr.qld.gov.au/Travel-and-transport/Disability-access-and-mobility/Travelling-with-a-wheelchair-or-mobility-scooter.aspx>

"If you want to buy a wheelchair or mobility scooter, you should be aware that in Queensland, a motorised wheelchair or mobility scooter that is used outside of the home, for example on footpaths and to cross roads, must be registered with the Department of Transport and Main Roads."

New South Wales:

<http://roadsafety.transport.nsw.gov.au/stayingsafe/pedestrians/motorisedwheelchairs/index.html>

"Motorised wheelchairs do not require registration in NSW. They do not require third party insurance."

Victoria:

<https://www.vicroads.vic.gov.au/safety-and-road-rules/pedestrian-safety/motorised-mobility-devices>

"Not defined as motor vehicles and therefore cannot be registered."

Even a quick look through these web-sites indicates that there are:

- no regulations governing sales or purchasing
- no standards for their design and manufacture
- no standard information regarding insurance
- an emphasis on the user's level of disability rather than on their ability to use a mobility scooter
- little or no requirement for any assessment or training prior to commencing to use a mobility scooter

Support structures in place to ensure the safe operation of mobility scooters

There appears to be little or no support structures available from government at any level to ensure the safe operation of mobility scooters. Sales, maintenance and insurance of mobility scooters is provided by the private sector. We understand from users that little or no information is provided at the point of sale about safe usage or appropriate maintenance.

The Stage Government web-site examples listed above provide a variety of information regarding who can use a motorised mobility device, responsibilities as a user and how to choose the right motorised mobility device e.g. the Victorian Government publication, "A Guide for Using and Choosing Motorised Mobility Devices".

The NSW Government web-site states, under the heading "Safe operation":

"To use a motorised wheelchair safely, you must be able to:

- Operate controls and manoeuvre the wheelchair
- Keep your balance and adjust your body position when travelling across uneven ground
- Spot obstacles and avoid collisions
- Judge speeds and distances
- Make good judgements to protect your safety and others

Alcohol mixed with prescription or other drugs may further affect your ability to operate a motorised wheelchair safely. If you are concerned about your ability to use a motorised wheelchair, your doctor or healthcare professional may be able to arrange an assessment by an accredited occupational therapist."

As stated above, the material provided in each state in various brochures, web-sites and documents is in a variety of styles and each contains different levels of detail. It is often difficult to quickly and easily determine if the advice provided on these web-sites is mandatory information or suggested guidelines.

The regulatory role of government and non-government bodies

As previously stated, MSA is concerned that an inquiry of this kind has the potential to be unnecessarily punitive and restrictive and does not want to see the introduction of further barriers to people with MS maintaining their independence.

MSA has previously noted that there appears to be:

- no regulations governing sales or purchasing
- no standards for their design and manufacture
- no standard information regarding insurance
- an emphasis on the user's level of disability rather than on their ability to use a mobility scooter
- little or no requirement for any assessment or training prior to commencing to use a mobility scooter

It would be helpful if this enquiry made recommendations to address these gaps.

For example, there is a need to introduce a minimum level of training and information for all persons intending to purchase and/or use a mobility scooter.

This training and information should be provided before the purchase is completed and should cover the safe use, courtesy and safety for other people and basic maintenance of the scooter. The training and information should be an obligation of the retailer supplying the machine, and should be delivered by a qualified professional such as an occupational therapist.

Further, it has already been noted that the current assistive technology systems that exist in Australia to ensure people with disabilities are able to access aids and equipment easily and affordably, needs to be overhauled as access to them is inequitable and confusing, with many programs operating in many jurisdictions. It would also be helpful if this enquiry made recommendations to address this pressing need.

MS Australia notes that at least two submissions to this enquiry have been made from the MS community, submission number 18 from Mr Nigel Caswell and submission number 33 from People with MS Victoria Inc. We commend these submissions to you.

KEY FACTS:

- Multiple sclerosis (MS) is a neurological condition affecting the central nervous system (brain and spinal cord) that affects more than 23,000 people throughout Australia
- It is the most common chronic neurological condition diagnosed in young adults.
- MS is most commonly diagnosed between the ages of 20 and 40
- 75% of people diagnosed are women.
- MS varies significantly from person to person. For some people, it is a disease that comes and goes in severity with periods of unpredictable relapse and remission. For others it means a progressive decline over time. For all, it is life changing.
- Symptoms vary between people and can come and go; they can include severe pain, walking difficulties, debilitating fatigue, partial blindness and thinking and memory problems.
- There is no known cause or cure.
