Document Review Form

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Project No.: Austroads Project SRL6218: A Nationally Consistent Framework for Motorised Mobility Devices
Reviewed Document: Motorised Mobility Devices Discussion Paper
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#	Section	Comment	Authors response
1.	3.2	Agree that the maximum unladen mass for Motorised Mobility Devices (MMDs) should be 170 kg which is to be considered as a nationally consistent approach.	
2.	4	The option below was listed as not a 'strong theme and did not have strong support' during the previous workshops: Place importation restrictions on devices that do not comply with the Technical Specification (**TS**). 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 issue of imported MMDs available online should be considered as it is a growing and emerging area for MMDs, with some being purchased for use in outdoor and public areas. Consideration should be given to how the existing AS/NZS 3695.2:2013 applies to MMDs which are manufactured overseas and purchased online by locals. The labelling scheme should consider these MMDs.	

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3.	4.1 (Option 1: Do Nothing)	Do not agree with Option 1 to 'do nothing' as the Technical Specification should be adopted in some form to provide some legal effect in order to realise the intended safety benefits. Consider including the following additional items to the list of 'Cons': - Safety risks associated with the use of MMDs that do not comply with Technical Specifications in public areas and public transport. - The absence of consumer education and guidance material may mean that users of MMDs are unaware of the Technical Specification.	
4.	4.2 (Option 2: Consumer Driven Adoption)	Consider including the following additional items to the list of 'Cons': - Places the onus on consumers post purchase. Option 2 could 'compliment' Option 3 and/or Option 4 which mandate/regulate suppliers and manufactures to comply with the TS. Query whether consumer rights at law will exist regardless of any Option which is adopted. - Possible safety risks associated with the use of MMDs that do not comply with the Technical Specifications in public areas and public transport due to inconsistent uptake. - Uncertainty for public transport operators when a passenger attempts to board a conveyance with an MMD which is outside the criteria for a blue label MMD.	
5.	4.3 (Option 3: Industry Driven Adoption)	Consider including the following additional items to the list of 'Cons': - 'Self-certification' by suppliers and manufactures in isolation may cause various issues. Ideally, there should be a combination of self-certification (suppliers and manufactures) and independent third-party certification (qualified engineer). - Possible safety risks associated with the use of MMDs that do not comply with the Technical Specifications in public areas and public transport if suppliers do not 'self-certify' accurately. - Uncertainty for public transport operators when a passenger attempts to board a conveyance with an MMD which is outside the criteria for a blue label MMD.	

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6.	4.4 (Option 4: Regulatory Prescription)	Consider that Option 4 may assist in circumstances where the TS is recognised within a statute which provides a regulator with powers to ensure compliance, enforcement, penalties etc. as against suppliers and manufactures. Consider including the following additional item to the list of 'Pros': - Certainty and guidance for public transport operators and passengers when a passenger attempts to board a conveyance with an MMD (except for trams and light rail conveyances as passengers board these services independently with no interaction with staff). - This option would enable a labelling scheme (for blue and white labels) to be implemented in a consistent manner, nationally which will be beneficial for purchasers of MMDs as well as public transport operators. - This option could provide a framework for a low-cost licencing and/or registration process and third-party insurance for MMDs nationally. - It would allow for a nationally consistent approach to driver training and Consumer Education Campaign. Reword the statement "This framework would also allow for adequate penalties to be enforced relating to the misuse of the devices". Instead, it should state "This framework would also allow for adequate penalties to be enforced relating to the misuse of the labels, supply and misrepresentation of devices." Consider including the following additional item to the list of 'Cons: - Opportunity for public transport operators to prohibit access to a passenger with an MMD which is outside the criteria for a blue label MMD.	
7.	4.5	To provide certainty for MMD users accessing public transport, consider aligning with 300kg laden load requirement for boarding devices as per the clause 8.6 of the Disability Standards for Accessible Public Transport (DSAPT).	

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8.	5	ARA supports Option 3 as a short-term way forward. Option 4 should be considered for implementation if Option 3 does not achieve positive outcomes. There should be broad industry partnerships to communicate the requirements of the Technical Specification with all sectors who recommend, fund, distribute or sell MMDs, such as occupational therapists, doctors, general health services, NDIS and MMD wholesale/retail outlets. Labelling should be seen primarily as guidance for MMD industry to provide specification, but this is not for operators to restrict the access of MMD users. Public transport operators and government departments should also promote and encourage users to make themselves familiar with the Technical Specification for MMDs, including the use of the blue label to highlight that such a device will be more suitable across public transport networks in terms of dimensions, manoeuvrability, weight, etc., as well as knowing that MMDs with a white label (or ones with no labels) may still be suitable in some circumstances across public transport networks. As part of the above, there should be an advertising program highlighting the key features/advantages of the Technical Specification, especially with targeting public transport users. It should be noted that following implementation, transport operators will need to develop local policies that align with these industry changes to facilitate safe operations of services. Consideration should be given when developing policies on how customers of existing devices and those purchasing second hand devices are becoming aware of the technical specifications. A grandfathering period may be required.	
9.	6	ARA agree that no further action be taken with respect to registration or licencing of MMDs at this stage. Licensing of MMD users • As the contributing factors to safe MMD use are complex (degree of physical disability, degree of mental impairment/cognitive disability, age, experience, operating environment e.g. footpaths, shopping centres, road), safety and competency are likely to be better addressed through tailored therapeutic methods rather than testing via a generalised licensing scheme. • Licensing not essential to provide education to users, government departments can provide information and/or training programs independently • Competency training could be focused on MMD users, but may also be targeted towards carers, occupational therapists etc. who assist in helping users gain confidence and competency in using their device.	

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10.	6.4 Registration of MMDs	Consider including the following additional items to the list of 'Pros: - If registration is introduced, there could be an opportunity to undertake different level of assessment for blue label and white label device users. - As part of the registration process, third party insurance could be provided free to the MMD user. It will complement driver training and consumer education, whilst making MMDs users accountable. Note that in South Australia the CTP insurance is provided without the need for registration.	
11.	6.6 Licencing of MMD Users	Consider including the following additional item to the list of 'Pros': - Consumer education and training exercises will assist in managing the safety risks associated with the use of MMDs in public areas and public transport.	