

**Written Submission in response to the
Senate Inquiry: The need for regulation of
mobility scooters, also known as motorised
wheelchairs**

QDN

QUEENSLANDERS WITH DISABILITY NETWORK
NOTHING ABOUT US WITHOUT US

Submitted To:
Senate Standing Committee on Rural and
Regional Affairs and Transport, Australian
Parliament

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About Queenslanders with Disability Network (QDN)

QDN is an organisation of, for, and with people with disability and the organisation's motto is "nothing about us without us." QDN operates a state-wide network of members who provide information, feedback and views from a consumer perspective to inform systemic policy feedback to Government and peak bodies. QDN also provides information and referral support to people with disability.

QDN has over 900 members across Queensland who provide QDN with the perspectives of people with disability.

Value Statement on People with Disability

QDN's work in providing feedback and input into systemic policy issues is based upon the organisation's core values and the place of people with disability in an inclusive Australian society.

QDN believes that:

- All people with disability have a right to a place in the community and have contributions to make to community. This is as empowered, free citizens who are as valued, present, participating and welcomed as members of any dynamic and diverse society.
- The place of people with disability in the community is not just about people with disability having a house in the community. Core to this is that they are welcomed in the community as ordinary citizens where they are genuinely given opportunities to contribute and actively participate. People with disability need to be in communities where their individuality, their talents, and their lived experiences of disability are recognised and acknowledged.
- Culturally and historically, people with disability are not afforded the same value, opportunities or access to community life.
- Any inclusion in community for people with disability is conditional and vulnerable to withdrawal.
- Many people with disability in Queensland are excluded from the most basic experiences of ordinary lives.
- Current exclusionary practices are unacceptable and must be challenged.
- These issues affect not only people with disability but the whole community.
- The responsibility is shared. It lies within government (federal, state and local) and the community at large, to ensure that people with disability have a place and are resourced to belong in community.

Introduction

QDN welcomes the opportunity to make a submission to *the Senate Inquiry: The need for regulation of motorised scooters, also known as motorised wheelchairs*. Many QDN members use motorised scooters and wheelchairs and are reliant on them for their everyday mobility and travel. While this inquiry is only at the investigative stage, QDN and our members are deeply concerned about any move to restrict or limit a person's right to freedom of movement. QDN highlights that this potentially breaches various Articles in the Convention of the Rights of Persons with Disabilities (CRPD) and Section 23 of the *Disability Discrimination Act 1992*.

QDN wishes to highlight policy in Queensland that has been successful in enforcing the safe use of motorised scooters and wheelchairs without impinging on people's dignity, freedom of movement or human rights. Western Australia also has Regulations concerning safe scooter and motorised wheelchair usage. QDN strongly supports the right of people with disability to be engaged in their communities, fully participating in the work, social and cultural pursuits on offer and a part of the fabric of our diverse society and culture.

QDN's Position

QDN strongly opposes the enforcement of strict regulations that impinge on the mobility, freedom of movement and human rights of people with disability who use motorised scooters and wheelchairs users.

Section 23 of The Disability Discrimination Act 1992 provides that "It is unlawful for a person to discriminate against another person on the ground of the other person's disability:

- (a) by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled to or allowed to enter or use (whether for payment or not); or
- (b) in the terms or conditions on which the first mention person is prepared to allow the other person access to, or the use of, any such premises.

This therefore makes any proposal to have separate access to footpaths, by use of separate lanes or areas, discriminatory and unlawful.

QDN does not wish to see limitations on people's ability to purchase a scooter, if that is their choice of mobility device. As motorised scooters and wheelchairs are essential mobility aids we expect users to freely access all spaces that the public might reasonably and safely use. QDN also expects education and awareness raising from government so that motorised scooter and wheelchair users and others understand their rights and responsibilities. QDN draws the Committee's attention to an Advisory Note prepared by the Australian Human Rights Commission (AHRC) at the request of the RSL and Services Clubs Association Ltd NSW.

The Advisory Note provides guidance on the use of mobility scooters in and around club premises should complaints be lodged under the Disability Discrimination Act. The Advisory Note can be found here: <https://www.humanrights.gov.au/our-work/disability-rights/projects/mobility-scooters-registered-clubs>.

QDN believes it is acceptable and reasonable for motorised scooter and wheelchair users to be responsible and accountable for their actions (or have support in place to do so), as a pedestrian, as any other person would be. There are current safeguards in place in Queensland such as the Compulsory Third Party (CTP) insurance and the requirement for registration (at no cost) as well as the requirement for medical certification for need for the equipment.

Queensland context

Regulation of motorised scooters and wheelchairs currently occurs in Queensland. (for further information, see: <https://www.tmr.qld.gov.au/Travel-and-transport/Disability-access-and-mobility/Travelling-with-a-wheelchair-or-mobility-scooter.aspx>). Any motorised wheelchair or mobility scooter in Queensland used on a footpath or to cross roads must be registered.

The registration process has criteria which must be met to register the mobility device such as a speed limit of 10 km/h on level ground, be built for a person with mobility difficulties and have a tare weight of 150kg or less (for further information, see: <https://www.qld.gov.au/transport/registration/register/wheelchair>).

The registration also requires a statement from the wheelchair operator that they are aware of the Queensland Road Rules relating to wheelchairs. Where an organisation is registering a motorised scooter or wheelchair (such as a shopping centre) they also provide a statement that they will ensure any user will be made aware of the Queensland Road Rules relating to the use of a motorised scooter or wheelchair.

Some QDN members have informed us that to register their motorised wheelchairs and scooters they have been required to provide a statement from their doctor that they require the use of their motorised scooter or wheelchair due to a medical condition.

CTP insurance is free for motorised scooters and wheelchairs registered in Queensland. This also means that the general public potentially interacting with the device have protection in case of an incident or injury or property damage occurs. QDN believes the current Queensland Model works well and is good practice and recommends other States adopt similar practices such as free CTP insurance for registered motorised scooters and wheelchairs.

Conclusion

QDN is pleased to provide this submission to the *Senate Inquiry: The need for regulation of motorised scooters, also known as motorised wheelchairs*. QDN opposes the enforcement of a harsh regulatory framework that impinges on the rights of people with disability who use motorised scooters and wheelchairs. Particularly in light of the full roll out of the NDIS, it would be a major step backwards to enforce regulation that denies or restricts people's right to social and economic participation.

If the Queensland requirements and AHRC guidelines are adopted nationally, motorised scooter and wheelchair users are given certainty of continued use. As previously stated, responsible use of motorised wheelchairs and scooters is already required under the law in Queensland, and speed restrictions apply. Other States may benefit from applying similar regulations, without limiting the rights and independence of the disability community.