

## Submission 36: RVS Legislation Consultation

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February 15, 2018

**Department of Infrastructure, Regional Development and Cities**

Via email: [MVSAreview@infrastructure.gov.au](mailto:MVSAreview@infrastructure.gov.au)

**2018 Public Consultation on the new Road Vehicle Standards legislation**

**To Whom it may concern;**

I'd like to draw attention to some of the effects and aspects of the proposed Road Vehicles Standards Bill that will have a severe impact on the existing and established mobility vehicle industry and that will flow into the manufacturing sector of this industry and affect people with a disability.

### **Background – our goals and aims**

Automobility is an employer, a manufacturer and is committed to helping improve the lives of people with disabilities.

At Automobility, our primary driving force is to help people. To achieve this goal, we go to great lengths to understand our clients and their needs to then help them, including tailoring the mobility vehicles we manufacture to meet the specific needs of the client.

This is not a simple process and it involves meeting with the wheelchair user in their environment, their family, their carers and their therapists to provide a long term solution to their mobility needs.

Most importantly, we provide long term support including warranty, repairs and 24/7 emergency contact to our clients to ensure that their mobility vehicle is ready for them to use when they need it. Mobility vehicles are not a luxury vehicle, they are a necessity and keeping them operational is critical.

We welcome our clients into the Automobility “family”!

### **How vehicle importers are different to local manufacturers.**

The establishment of client’s needs process is not or rarely used by the importers of mobility vehicles, in most cases they are sellers of used cars who are most focussed with a quick sale and are rarely interested in or understand what happens to the vehicle once the statutory warranty of the vehicle has expired.

Most prospective mobility vehicle buyers are not conversant or even familiar with State Registration requirements, Australian Design Rules, Australian Standards or even differences between types of mobility vehicles.

These same people are uninformed purchasers who are vulnerable to unscrupulous sellers and are very reliant on the expertise and integrity of the person who is demonstrating/selling them a vehicle and their own advisors.

They just need a mobility vehicle to help them transport a person who is in a wheelchair and without thorough and proper assistance with the selection process, they can and will purchase a vehicle that is unsuitable or noncompliant “because the nice salesman said it would be alright”.

These imported vehicles are generally supplied by car yards – with personnel who are not familiar with the specific needs of a person with a disability so in many cases the vehicles do not represent a good long term proposition for the person. Added to that, there is little after sales service, spare parts or technical support available for these vehicles.

We need the legislation to protect and help these purchasers.

### **Proposed RVS Rules – present SEVS Rules**

The particular Sections of the RVS Rules that apply to mobility vehicles are 120 and 125(2)(f), that refer to Mobility Criteria and specifically supports vehicles for persons with a disability manufactured overseas with sponsorship or support from a manufacturer.

This similar situation under the current Motor Vehicle Standards Act has caused severe problems already – one that various State Registry Authorities are working with the Department of Infrastructure Regional Development and Cities to resolve - as mobility vehicles imported under the Specialist and Enthusiast Vehicle Scheme are legally entering the country and being registered by virtue of having a compliance plate fitted to them.

However when configured expressly for the transport of a person in a wheelchair, these vehicles DO NOT comply with the relevant Australian Standards – an aspect of compliance that should be enforced at a State level.

The loophole here is that once the vehicles are registered under the Federal Scheme, they are rarely addressed by the State enforcement of the relevant Australian Standards.

## **Local Manufacturers, Employees, local community – spreading the proceeds**

There is a very well established and respected wheelchair access vehicle manufacturing industry in Australia – with Automobility being one of the larger companies.

Each of these companies employ between 10 and 30 employees, use local contractors and suppliers and are therefore a vital part of the local economy.

The reach of Automobility extends to our suppliers and contractors and well into our local communities with many local businesses being indirectly supported by Automobility's employees, clients, contractors and suppliers. Our primary suppliers and contractors employ people to specifically deal with Automobility and our unique activities and these people would be likely to be unemployed should the local mobility industry be reduced.

These companies are well established with typically over 10-15 years experience in the specialty mobility industry, with personnel who understand the specific needs of a person with a disability and go to great lengths to ensure the vehicle is a good long term proposition for the client.

These companies are also accredited providers to the NDIS and other funding bodies and members of industry groups – like ATSA who has also made a submission in relation to this matter.

These companies also service the whole of Australia. Automobility also has a 24 hour emergency phone contact service and a substantial service network across Australia to help support our clients. We recognise the importance of these vehicles and place a 5 year, 150,000km limited warranty on the vehicles we manufacture.

## **Issues with imported vehicles**

The opening of the market to imported vehicles without appropriate controls will decimate the local manufacturing industry and will be at the detriment to the industry as a whole and wheelchair users as unsuitable and potentially non-compliant vehicles will flood the market.

There are issues with these vehicles in relation to;

- Suitable for Australian conditions – Australian roads are renowned as being very testing for vehicles. Are these vehicles really suitable for Australian roads and will they last?
- Questionable or unknown service history – the absence of quantifiable service history of the vehicle
- Actual vehicle age/mileage – the controls and management of vehicles overseas is not the same as Australia where vehicle accrued mileage is regulated
- Efficacy of manufacturing and build quality and previous repairs – there is little documented history of the build or quality assurance processes within the build or previous repairs performed
- Compliance of vehicles to Australian Standards

## **Compliance with Australian Standards**

Vehicles manufactured in Australia are required to comply with Australian Design Rules and Australian Standards. (The relevant Australian Standards are AS 2942 (now obsolete but still referred to by many State Registry Authorities), AS 3856, AS 10542).

For example, Japanese vehicles are manufactured to the Japanese Industrial Standards and it is important to note that there are NO requirements within the JIS in relation to wheelchair access or disability vehicles – effectively meaning that the specifications of the vehicles are determined by the manufacturers only.

This situation yields a significant disparity for local manufacturers who are required to comply with Australian Standards and are required to seek Engineering accreditation for the mobility modifications compared to import vehicles that are not subject to these same requirements.

### **Key functional differences between locally manufactured and imported vehicles**

There are very real anthropometric differences between Australians and residents of other countries. It is important that vehicles being considered for the Australian market cater for Australians.

At Automobility, we have found that the majority of Australian wheelchair users have an overall seated height (floor to top of head) in the range between 1320-1360mm, with many users having seated heights of up to 1420mm or higher. I contend that this measurement is significantly higher compared to Asian wheelchair users in particular which in turn specifically affects the internal clearance and visibility aspects of the vehicle for the wheelchair user.

Australian manufactured vehicles will generally have the following specifications;

- Entry height – 1400mm
- Internal clearance – 1500mm
- Correctly positioned wheelchair occupant lap-sash seat belt – every other occupant in the vehicle has a correctly positioned seat belt, why should the wheelchair occupant be treated with an lesser protection
- Horizontal line of sight for wheelchair occupant – being able to see out of the vehicle comfortably cannot be understated, eye level for the wheelchair occupant MUST be within the window level of the vehicle to ensure comfort of travel and reduce motion sickness.
- Wheelchair transported on level/horizontal floor section

Imported vehicles often include features of;

- Limited internal clearance
- Eye level of wheelchair occupant above window height
- Positioning of wheelchair occupant seat belt incorrect for safety and comfort

The summary of this is that the wheelchair occupant is exposed to;

- Potential safety issues ○ Incorrectly position wheelchair occupant seat belt

- Inadequate internal clearance results in potential for head to contact vehicle roof
- User enjoyment/comfort issues
  - Lack of horizontal line of sight severely detracts from the user enjoyment
  - Entry height/internal clearance restrictions may require wheelchair users to duck to enter or have limited clearance, both of these issues are unsatisfactory for people with compromised upper body mobility

It is VITAL that the wheelchair occupant enjoys a comfortable, enjoyable and safe experience in their wheelchair access vehicle. This is delivered by locally manufactured vehicles that have been tailored to meet the specific needs of the wheelchair user.

### **What is the appeal of imported vehicles**

It is important to consider what the appeal is for these imported mobility vehicles.

I contend that it this appeal is price driven whereby persons with a disability are seeking vehicles of a lower cost – which is understandable for privately funded clients with limited funding.

I also contend that there are good intentions from the regulators in wanting to give access to lower cost mobility vehicles. However, there were also good intentions in the now infamous pink batts debacle where the full extent of the ramifications to the industry and end users wasn't understood or thoroughly considered.

(When considering Japan in particular, it is noteworthy that the cost to register a vehicle in Japan increases significantly as the vehicle ages, which in turn drives the price of these used vehicles down dramatically and then increases the appeal of these vehicles to importers. Unfortunately this is turning Australia into a dumping ground for unwanted Japanese mobility vehicles and this is of great concern.)

The real cost of the vehicle needs to be considered to extend beyond just the purchase price.

This real cost needs to consider;

- Long term suitability and serviceability of the vehicle
- User enjoyment/satisfaction of the vehicle
- After sales aspects, spare parts, repairs, vehicle longevity
- Resale value of vehicles

### **Australian market for used mobility vehicles**

There exists a strong market within Australia for used wheelchair access vehicles that have been manufactured in Australia and are supported by local manufacturers and this market is threatened by imported vehicles that do not offer this same support.

Locally manufactured vehicles also have a strong demand as used vehicles as customers know that the vehicle has a local manufacturer to provide long term support.

### **Suggested changes to the RVS Bill**

Should the RVS Bill be introduced, I would propose that the Bill in relation to Mobility Criteria include the following amendments from the Draft Exposure Bill;

- Supported or sponsored by the manufacturer for a minimum period of five (5) years after the date of first registration in Australia, including;
  - Availability of spare parts held in stock in Australia
  - Availability of technical support
  - Warranty
- Demonstrating compliance to the relevant Australian Standards or equivalent accepted Standards for wheelchair access vehicles at the time of manufacture

### **National Disability Insurance Scheme considerations**

With the growing roll out of the NDIS, more persons with disabilities are seeking access to funding for mobility equipment – including vehicles.

The Executive Team of the Assistive Technology Branch and Technical Advisory Team of the NDIS met with a group of local manufacturers to demonstrate the types of mobility vehicles manufactured in Australia and to explain the process of prescription of the vehicle for a client.

The NDIS personnel specifically enquired about imported mobility vehicles and had explained by the manufacturers and independent experts present the compliance, manufacturing and suitability differences – leading NDIS to remove imported vehicles from NDIS funding as in NDIS deemed these vehicles unsuitable for funding for reasons including; □ Suitability of vehicles for the end user's long term needs

- Not meeting the NDIS guideline on used vehicles
  - (The present NDIS guideline for used vehicles is not more than 3 years old or 45,000km. (However, this guideline is expected to be changed to 5 years old, 80,000km – with consideration given to vehicles outside of those guidelines on a case by case basis).
- General uncertainty about the build quality, history and compliance of these vehicles.

### **Other points to consider**

The most important aspects for regulators to consider with any review are to consider the end user.

The end user in this case is a person in a wheelchair – they deserve the same level of safety, comfort and ongoing support as able bodied occupants of the vehicle, something that is not generally offered with imported vehicles that are prescribed by non-industry experts and something that the NDIS and local manufacturers are committed to providing.

Please contact me if you have any questions or require further information regarding this submission.

Yours Sincerely,

**Automobility Pty Ltd**

**Jeff Watters, CPEng  
Director**

cc.

The Honourable Paul Fletcher MP  
Minister for Urban Infrastructure and Cities

The Honourable Tony Smith MP  
Member for Casey

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