



Dr Jane Thomson  
Committee Secretary  
Senate Rural and Regional Affairs and Transport Legislation Committee

April 16, 2018

Re: Enquiry into the Road Vehicle Standards Bill 2018

Dear Dr Thomson,

It is with concern that I write regarding the proposed legislation Road Vehicle Standards Bill 2018

As an Occupational Therapist specialising in prescription of and assisting people with disabilities select appropriate vehicles for the last 18 years, I am very concerned regarding the capacity opened up for vehicle importers to bring in “already modified” Japanese vehicles for people with disabilities.

My experience with these vehicles, and the experience of my clients who have been involved with them, has been suboptimal.

I read the objects of the act, which state that

*Division 2 – Objects of this Act*

*3 Objects of this Act*

*(1) The objects of this Act are:*

- (a) to set nationally consistent performance-based standards that road vehicles must comply with before being provided in Australia;*

This should apply equally to vehicles, and associated modifications, for people with disabilities. From what I can see, this is not the case, as the act will enable used Japanese vehicles with disability related modifications to be imported and sold without the same level of compliance and safety that is currently required within Australia.

- (b) to provide consumers in Australia with a choice of road vehicles that:*  
*(i) meet safety and environmental expectations of the community;*

These vehicles are modified to lower standards than required in Australia. In Australia converters must comply with all aspects of the following disability related standards:

- 1) AS NZS 10542.1 Technical systems and aids for disabled or handicapped persons - Wheelchair tiedown and occupant-restraint systems Part 1: Requirements and test methods for all systems (ISO 10542-1:2001, MOD)
- 2) AS NZS 10542.2 Technical systems and aids for disabled or handicapped persons— Wheelchair tiedown and occupant-restraint systems Part 2: Four-point strap-type tiedown systems
- 3) AS NZS 3856.1 hoists and ramps for people with disabilities - vehicle mounted Part 1 product requirements
- 4) AS NZS 3856.2 Hoists and ramps for people with disabilities - vehicle mounted Part 2 installation requirements

These standards are adhered to in detail by the majority of vehicle converters operating in Australia, as it is both a requirement for the vehicle compliance, and is in the interests of the wheelchair user /disabled persons' safety.

The explanatory memorandum regarding the proposed Road Vehicle Standards Bill 2018 makes reference to mobility vehicles under concessional import criteria as:

*Mobility – vehicles manufactured with special features to assist people with a disability;*

and that these can be imported through the RAWS scheme.

The recently released Exposure draft of the Road Vehicle Standards Rules 2017, Specialist and Enthusiast Vehicles Register, Division 6, page 51 states

### ***120 Mobility criteria***

*(1) A variant of a road vehicle satisfies the mobility criteria if the Secretary is satisfied that:*

- (a) the road vehicle was originally manufactured with features specifically designed to assist people with a disability; or*  
*(b) the applicant has evidence that demonstrates that:*  
*(i) the variant of the road vehicle was modified, before it was first provided in any market in the world, to include features specifically designed to assist people with a disability; and*  
*(ii) the modifications were sponsored or supported by the original manufacturer of the variant of the road vehicle.*

*(2) In this section:*

***disability*** has the same meaning as in the Disability Discrimination Act 1992.

I notice in the explanatory memorandum notes in Section 3. Mobility Category, page 136, that “the RAW Association argued for acceptance of Japan / EU standards”.

The SEVS guidelines refer the Japanese standards as though they are comparable to the Australian standards. This is far from the reality. I have attached a document explaining some of the difference between the Japanese Standards and the Australian Standards, which are clearly far higher. This difference in standards places Australian purchasers of Japanese import vehicles at risk.

The Australian Standards outline many critical features and requirements including:

- Restraint of the wheelchair
- Wheelchair occupant's personal restraints
- Performance requirements
- Strength and nature of wheelchair ramps and hoists
- Labelling and means of safe operation.

It has been my experience that my clients have been talked into purchasing Japanese import vehicles by various car dealers using statements such as "It was made by Toyota", "It was made by Nissan", "It is from the manufacturer, it will be correct". Many of these clients (including my own) have bought these vehicles and then found the restraints to be profoundly inadequate, and the positioning of the wheelchair in the vehicle potentially dangerous and effectively non-compliant with Australian Standards.

I have a disabled client whose mother purchased a used Japanese disability access vehicle for her transport and they were unfortunately involved in a crash. The ineffective restraints failed to secure the wheelchair and the chair tumbled through the car significantly increasing the client's level of disability.

I have seen pivoting seats that come out of vehicles to become a "wheelchair" and are fitted with electric motors; however, they have no user operable brakes. On uneven ground they will simply roll away out of control.

The hoists and ramps in these vehicles have no English instructions and, in some circumstances, have not been compliant with Australian Standards.

I have had a client who purchased one of these vehicles with an "in floor" wheelchair access lift, (non-compliant by virtue of its design and operation). The hoist failed outside the statutory three month warranty period of the vehicle and the importer had no idea about parts, none were available nor could be sourced. This left the client with no option but to purchase a new hoist from a local supplier and have this installed at great expense.

Another client purchased one of these used imported vehicles, lost the key and had to pay \$3900 and wait 4 months for the parts to be able to drive the vehicle.

The importation and sale of these vehicles may be good for the SEVS lobby group; however, it is not good in the short or longer term for people with disabilities.

It is my view that if a vehicle conforms with the requirements of ALL the applicable Australian standards then by all means import it, but there should also be some compulsion for backup in

terms of spare parts and servicing for disability related componentry of the vehicle for a reasonable period.

It is one thing to source common service parts such as air filters and oil filters, it is entirely different to find a replacement wiring loom or components for the swing out seat system that has failed.

I am strongly of the opinion that consideration must be given to the contents of my letter, and of my long and personal experience with vehicle prescription for disabled people. As the Bill for the Act stands, I believe that it is in direct contravention of the Disability Discrimination Act, placing already vulnerable people at physical and financial risk as a result of strong lobbying by what is effectively a group of used car salesmen protecting their business model. Imported vehicles for sale to disabled people must be compliant with Australian Standards as is every other vehicle sold to the general public.

Yours Sincerely

Occupational Therapist

BAppScOT, OT Driving Assessor, Driving Instructor, Paravan Accredited Driving Instructor (Electronic Vehicle Controls), Motor Mechanic.