

**Submission
No 1**

INQUIRY INTO USE OF E-SCOOTERS, E-BIKES AND RELATED MOBILITY OPTIONS

Organisation: Pedestrian Council of Australia Ltd

Date Received: 1 July 2024



PEDESTRIAN COUNCIL OF AUSTRALIA

Health – Safety – Access - Amenity

The Walking Class

Patron: The Honourable Dame Quentin Bryce AD CVO

Ms Cate Faehrmann – Chair
Attention: Mr Rasika Somaweera

Copies:
Mr Sam Farraway (Deputy Chair)
Mr Mark Banasiak
Mr Anthony D'Adam
Ms Sarah Kaine
Mr Bob Nanva
Ms Natalie Ward

Dear Ms Faehrmann

NSW Legislative Council – Inquiry: Use of e-scooters, e-bikes and related mobility options

Please find below our submission to your inquiry.

It's made up of three parts:

- 1 Key Points (NSW)
- 2 Position Statement (National)
- 3 Presentation

All the relevant documents and reference material can be accessed here:

Thank you for allowing us to make this submission.

I request permission to appear before the Committee.

Yours sincerely

Harold Scruby
CEO
Pedestrian Council of Australia Limited
The Walking Class
Registered Charity (ACNC) No: 18075106286



PEDESTRIAN COUNCIL OF AUSTRALIA

Health – Safety – Access - Amenity

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NSW Legislative Council – Inquiry: e-Rideables

Key Points (August 2024)

- **Most e-Rideables are NOT Active Transport**
"Active Travel" or "Active Transport" are terms that must be confined to trips where walking, or cycling, are used for at least part of the trip, as they involve health-enhancing levels of large muscle activity with an energy expenditure commensurate with health benefits. e-Rideables such as e-scooters, e-Monocycles, e-Hoverboards, Segways, e-Skateboards and modified e-Bicycles are the very antithesis of Active Transport. They reduce Active Transport. Attempting to define them as such is false and misleading (see advice from four leading experts in our Submission). TfNSW continue to promote these vehicles as Active Transport and they are included within their Active Transport Department. This is false and misleading. The department must be renamed Micromobility. Walking and Cycling are Active Transport.
- **e-Scooters and most e-Rideables actually reduce Active Transport and impair our Health**
1. E-scooter trips largely replace walking and cycling trips, as well as trips by public transport which typically involve walking - 2. E-scooters ridden on the footpath or parked in a way that obstructs the footpath may deter walking by intimidating or obstructing people on the footpath, especially older people and people with limited mobility. Data from Europe shows that half of e-scooter trips in cities would have been walked or cycled before the trials were introduced – By swapping active travel for e-scooters, we're removing the health benefits that come from walking or cycling those journeys. This decline in physical activity will not only impact our health, but it can have an economic impact on cities.
- **Shared Paths and Children 16 years and under on Footpaths**
The speed limit on Shared Paths (unless otherwise sign-posted) is the same as the adjacent road. REPEAT: The speed limit on Shared Paths (unless otherwise sign-posted) is the same as the adjacent road. Children under 16 can ride on ALL footpaths in NSW (again where the speed limit is the same as the adjacent road). This is utterly absurd, potentially lethal and does not meet Safe Systems standards. The default speed limit must be 10 km/h. Evidence is provided in our Submission
- **E-Scooter rules and regulations must comply with the recommendations of the NSW Ministerial e-Scooter Advisory Committee**
In 2020, following a year of meetings and deliberations the Ministerial ESA Advisory Committee produced its recommendations (see Presentation). The Committee included all key stakeholders including: Transport for NSW, NSW Police, NSW Ambulance, State Insurance Regulatory Authority, Pedestrian Council of Australia, Guide Dogs NSW, NRMA, Youthsafe, Bicycle NSW, Office of Local Government, Council of the Ageing NSW and nine Sydney Councils along with representatives from all the major e-Scooter providers. Its recommendations were unanimous. The Upper House should provide reasons and evidence and data if it wishes to change any of these recommendations

- Melbourne City Council has banned Share Hire e-Scooters**
 Following a 2 year trial, numerous complaints and over \$2 million in hospital costs, the MCC has banned Share-Hire e-Scooters. The Parliamentary Committee must carefully study the reasons. A referendum in Paris last year resulted in 90% of the voters wanting them banned and Paris has also banned them. Data was also released that in the two year trial, e-Scooter hospital admissions had cost over \$2 million
- There has been NO enforcement of the NSW Share-Hire e-Scooter Trial**
 There are Three-E's in road safety. Education, Enforcement and Engineering. Without all three we are not safe. Our recent FoI discovered that in a two-year trial, only 2 e-Scooter penalty notices have been issued. There can be no reliable evaluation of this so-called "trial" if there's been no enforcement. Yet in this 60 minute Zoom of TfNSW and Council representatives, the word Enforcement was not mentioned once. The word Enforcement seems to have been banned from politics and the public service in recent years.
https://youtu.be/TrrW-7_pYA Unless there's significant importance placed on Enforcement, then these trials are a farce. Councils must be required to have written confirmation from NSW Police that they have the time, inclination and resources to Enforce e-Scooters before any trial can begin
- Share Hire e-Scooter Providers cannot be trusted**
 The lead article in the Australian of 24 August 2024 stated: 'Running Hot Project': e-scooter firm Beam accused of audacious scam.
<https://www.theaustralian.com.au/nation/governments-in-australia-and-nz-probe-beam-for-phantom-scooters-scheme/news-story/546f243fb509d910840330fe44d15769>

In 2020, following a complaint by the PCA, the ACCC found: "Lime e-scooters undertakes to address concerns about safety misrepresentations". See our Submission. Yet all these e-Scooters Share-Hire companies robotically bleat: "Safety is our number one priority". They cannot be trusted.
- Drunk (Intoxicated) e-Scooter riders**
 A recent study by the Royal Melbourne Hospital found that 58% of e-Scooter rider admissions were intoxicated. This does not include illicit drugs. A study from researchers at Broome Hospital has found there were 190 e-scooter-related injuries at the West Australian tourist town in 12 months. The study found 76 per cent of patients were Broome residents, 53 per cent of whom said they were intoxicated while riding.
<https://www.abc.net.au/news/2024-08-24/broome-escooter-injuries-health-report/104250306>
 In NSW, Police do not have the right to conduct RBT on e-Scooter or e-Rideable riders
- 500 Watt Pedelects**
 In 2022, then Transport Minister Rob Stokes, changed the maximum wattage on pedelecs (e-Bikes) from 250 watts to 500 watts. 250 watts is the standard in all other states and territories, in the UK and throughout Europe. We conducted a GIPA (FoI) and discovered only two stakeholders were consulted: The e-Scooter Assn (who did not respond) and Bicycle Retailers Assn who opposed the idea as did TfNSW. Our request to discover who wanted the change was either not provided or redacted. This now means that anyone riding a 500 watt e-Bicycle outside NSW (eg) from Albury to Wodonga, will be riding and Unregistered and Uninsured motor-vehicle. This secret and completely unsupported decision should be reversed.
- Enforcement and Data**
 Tens if not hundreds of thousands of private e-Scooters have been sold in NSW over the past five years. We all see them everywhere. They are illegal on all public roads, footpaths and public places generally. Similarly tens of thousands of FatBoy e-Bikes have been sold. A huge percentage have been souped up. Except for the very limited six Share Hire e-Scooter trials all other e-Rideables are illegal in NSW. While our GIPA discovered that except for helmet offences - over 50% of all penalties), Police have issued very few other bicycle penalties and two, repeat two e-Scooter penalties. And the number of bicycle penalties issued has dropped over 20% since FYE 2022. The penalty which NSW Police should issue

for the use of these illegal e-Rideables is use Unregistered/Uninsured motor vehicle. The penalties exceed \$1600. Our FoI-GIPA also revealed that there is no data at all on the number of penalties issued for Unregistered-Uninsured Motor-Vehicle, for private e-Scooters and souped up Pedelecs. This is because there are no Law Part Codes separating these e-Rideables from ordinary motor vehicles. Additionally, we also discovered that police cannot issue penalties or warnings to children under 16 years of age. The Fatboy e-Bikes can be souped up with the twist of the throttle and pressing a button, allowing them to travel at up to 50 km/h without pedalling. It's widely known that many Food Delivery Riders have souped up e-Bikes. This issue is literally out of control in some areas with absolutely no enforcement, no rules and no insurance. The only option apparently is for Police to confiscate these illegal e-Rideables, which they appear reluctant to do. The Committee must put Enforcement as the number one priority of this inquiry. (see our Submission)

- **Penalties**

The penalties for Bicycle and e-Scooter offences are farcical. Most are the same as penalties for parking meter offences. They do not reflect the potential for harm. Apart from being very rarely enforced (and only for people 16 years of age and over), they do not act as an incentive to obey the law. Over 90% are \$129. For example, the penalty for fail to give way to pedestrian on Shared Path for cyclists and e-Scooter riders or riding on a footpath is \$129 while the penalty for not wearing a helmet is \$387. It's all about the safety of the rider and pedestrians be damned.

- **People with Disabilities**

Vision Australia's survey has found that over 90% of their members feel less safe when going for a walk due to e-Rideables. Australia has signed and ratified the UN Convention on the Rights of Persons with Disabilities, and as such is bound to promote, respect and uphold the rights that it asserts. Domestically, the Disability Discrimination Act (DDA) makes it unlawful to discriminate against (treat less favourably) persons on the basis of disability in key areas of life, including access to premises. The NSW Government must realise that allowing e-Rideables on footpaths (for children) and on Shared Paths could be discriminatory. Unless proper consideration is given to people, there could be serious consequences.

- **Elderly People and Falls**

The highest cause of avoidable death after 50 years of age is from a fall. The idea that riders can now ride on footpaths and shared paths on vehicles weighing as much as 60 kgs, with little or no enforcement and at the same speed limit as the adjacent road defies imagination. To show such utter contempt for pedestrians and turn footpaths into hostile and potentially lethal environments defies belief.

- **Insurance and Speed Limits on Shared Paths**

In 2002, Mrs Maria Guliano was struck on a Shared Path in Balmain (Sydney). She was permanently brain damaged and required a full-time carer. The cyclist left the scene. An expert witness testified that the cyclist was travelling at less than 20 km/h. It took her husband 6 years in court to sue the RTA and Leichhardt Council. They finally settled out of court.

Read the Slater & Gordon advice:

<https://www.walk.com.au/pedestriancouncil/page.asp?PageID=3125&SiteID=1>

(QUOTE): I am therefore of the opinion that local government road authorities may be found to be in breach of duty of care for failing to impose safe speed limits for bicyclists on Shared Bicycle Paths although any such finding of breach of duty of care must necessarily depend upon the particular facts of the case before the Court. There is generally no insurance for pedestrians hit by cyclists and most private E-Rideables on footpaths & Shared Paths. Studies by renowned road safety expert, Professor Raph Grzebieta led him to conclude: *Our analysis showed that any cyclist-pedestrian impact speed above 10 km/h can result in serious head injury for younger adults and death for older adults.*

- **Dismount Zones**
All e-Rideables must be banned in areas of High Pedestrian Activity such as shopping strips and parks etc.. Councils have this power. In Hobart, for instance, they have signs on the footpath requiring e-Scooter riders to dismount.
- **Shared Zones (as opposed to Shared Paths)**
The maximum speed limit in Shared Zones in NSW is 10 km/h. This was confirmed in 2002 by the then CE of the RTA. (QUOTE): ... as vehicle speeds increase, the risk of serious injury or death to pedestrians involved in a collision with vehicles increases. In order to minimise the risk to pedestrians in Shared Zones, the RTA has mandated that a speed limit of 10 km/h will apply. This speed closely represents the walking speed of pedestrians (85th percentile speed of 4.3 km/h) in contrast to a speed limit of 20 km/h. A speed limit of 20 km/h in a Shared Zone would introduce a difference five times in magnitude in 85th percentile speed between vehicles and pedestrians. Conclusion: Bicycles are vehicles. The same rules and regulations must apply to e-Rideables (and cyclists) on Shared Paths. There must be a default speed limit of 10 km/h on ALL Shared Paths (unless otherwise signposted).
- **Share-Hire (SH) e-Scooters vs Private e-Scooters (and other Private e-Rideables)**
There is a huge difference between these two systems. SH e-Scooters are far more regulated through geo-fencing, knowing who the rider (hirer) is, some insurance, governed speeds etc.. However, users tend to dump them anywhere when their journeys are over. And riders tend not to wear helmets because they don't want to wear helmets which have been used by scores of other riders. Private e-Scooters (and e-Rideables) have no identification, they are rarely governed and are for sale now advertising speeds of 120km/h, there's rarely any insurance, but they do tend to park them safely and wear helmets more often. Fat Boys are getting faster and faster as are many other e-Rideables. No training. No licence. No rules. No number-plates. Pathetic penalties. No enforcement. Pure anarchy.
- **Technology**
Technological devices must be developed and made available to allow Police to quickly assess whether any e-Rideable is legal (like RBT technology). Currently Police have to estimate speeds or lack of pedalling over 6km/h or over 25 km/h to prove unregistered/uninsured offences in court.

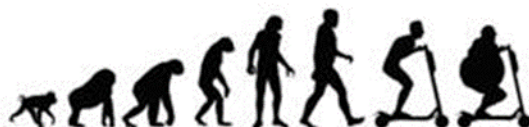
There are many more Key Points (most of which have been covered in our Presentation and (National) Position Statement.

Other issues will evolve before the Hearings.

We request the right to address the Committee.

Thank you.

Harold Scruby
CEO
Pedestrian Council of Australia
A Registered ACNC Charity



It took humans a million years to learn how to walk...
and five minutes to forget.



PEDESTRIAN COUNCIL OF AUSTRALIA

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Position Statement

E-RIDEABLES

Preamble: The rapid emergence and proliferation of e-rideables, including but not limited to e-scooters, e-bikes, e-skateboards, hoverboards, e-monocycles, Segways and other battery-powered personal mobility devices, marks a significant shift in urban transportation. While these devices offer potential benefits in terms of convenience and reduced emissions, their integration into our urban fabric has been hasty and poorly managed, raising serious concerns about public safety, accessibility, and long-term public health.

As we stand on the cusp of a transportation revolution, the rapid evolution of e-rideable technology presents both opportunities and challenges. The emergence of more advanced and diverse e-rideable vehicles in the coming years is not just likely, but inevitable. It is virtually impossible to predict what e-rideables will look like in five years, let alone a decade from now. This uncertainty underscores the critical importance of the decisions governments are making today, as these choices, many of which might be irreversible, will shape our urban landscapes and transportation systems for years to come.

The current state of affairs demands immediate attention and thoughtful regulation, as the potential consequences of mismanagement are severe. If not properly addressed, the proliferation of e-rideables could lead to a safety crisis akin to a public health pandemic, with far-reaching impacts on urban mobility, pedestrian safety, active transport and public space usage. The regulatory frameworks established now will be challenging to reverse in the future, making it imperative that we act with foresight and caution.

Governments across Australia have failed to provide adequate laws, penalties, training, education, enforcement, and infrastructure to safely accommodate these new modes of transport. The lack of standardised national regulations has resulted in a patchwork of inconsistent rules across states and territories, creating confusion for users and enforcement challenges for authorities.

Moreover, the trials conducted thus far have been insufficient and ineffective, failing to fully address the complex issues arising from the introduction of e-rideables into our public spaces. Of particular concern is the glaring oversight in considering the needs and safety of vulnerable road users, especially people with disabilities. Those with vision or hearing impairments face increased risks and challenges navigating shared spaces with silent, fast-moving e-rideables. Similarly, the elderly population, already at higher risk of serious injury from falls, now face additional hazards on footpaths and shared paths.

Perhaps most alarmingly, there has been little consideration given to the long-term health implications of replacing active modes of transport, particularly walking, with e-rideables. The potential negative impacts on public health, due to reduced physical activity are a serious concern that must be addressed.

As we move forward, it is imperative that we develop a comprehensive, national approach to e-rideable regulation that prioritises safety, accessibility, and public health. This approach must be based on rigorous research, meaningful public consultation, and a commitment to creating inclusive public spaces that serve all members of our community. Only through such a thoughtful and measured approach can we hope to harness the benefits of e-rideable technology while mitigating its risks and negative impacts.

Definition of E-Rideables

An e-rideable is defined as any personal mobility device that is powered by an electric motor. This category includes a variety of vehicles such as electric scooters, electric bicycles, electric skateboards, hoverboards, monocycles, and Segways. E-rideables are designed for individual use and are often employed for short-distance travel, providing an alternative to traditional modes of transportation like walking or driving. To ensure clarity and distinction from Personal Mobility Devices (PMDs) used by people with disabilities, e-rideables are specifically defined as devices intended for general personal mobility and recreational use, rather than for assisting individuals with mobility impairments. PMDs for people with disabilities are designed to meet specific medical and accessibility needs and are regulated under different standards and guidelines to ensure they provide the necessary support and safety for their users.

People with Disabilities

Over 90% of Vision Australia members feel less safe walking due to e-rideables, highlighting the need for regulations prioritizing pedestrian safety, especially for those with disabilities. Australia's commitment to the UN Convention on the Rights of Persons with Disabilities requires equal access to the physical environment. The rapid introduction of e-rideables without considering people with disabilities threatens these commitments. Regulations must ensure the safety and equal access of public spaces for people with disabilities

Micromobility NOT Active Transport

Many advocates of these vehicles refer to them as "Active Transport". This is utterly false and misleading. Except for some legal Pedelecs (e-bikes), nearly all other e-rideables are the very antithesis of Active Transport. They are "Inactive Transport". Active Transport requires health-enhancing levels of large muscular activity with an energy expenditure commensurate with health benefits. The correct word is "micromobility".

RECOMMENDATIONS

1. Prohibition on Footpaths

- E-rideables must be prohibited on all footpaths. They should only be allowed on shared paths and on roads where the speed limit is less than 50 km/h.

2. Shared Path Compliance

- Ensure that all shared paths comply with Austroads guidelines to provide safe and accessible pathways for both pedestrians and e-rideable users
- All riders must understand that pedestrians have absolute right of way on a shared path: the law states that riders must slow down and give way to pedestrians at all times, even if that means coming to a stop.
- All e-rideables must be equipped with a bell or horn. They must only be permitted to be used when there is an emergency. This must include e-rideables such as e-skateboards, e-hoverboards and e-monocycles. They must never be used to coerce, harass or intimidate pedestrians.

3. Speed Limits

- Unless otherwise sign-posted, the Speed Limit on a Shared Path is the same as the adjacent road.
- Implement a national default speed limit of 10 km/h for e-rideables on all shared paths.
- The same speed limit must apply for all footpaths where children are permitted to ride

4. Infrastructure

- Improve infrastructure to create safe, dedicated pathways for e-rideables, separate from pedestrian paths.
- Develop dedicated on-road parking bays for e-rideables to prevent obstruction of footpaths.

5. Enforcement

- Ensure consistent enforcement of e-rideable rules and regulations, including speed limits and proper use of designated paths.
- Engage contractors to impound inappropriately parked e-rideables, similar to towing vehicles parked in clearways.
- Empower police to conduct random breath testing of e-rideable users to ensure compliance with alcohol and drug regulations.
- Allow council rangers to assist in enforcing e-rideable laws, including issuing fines for offences.

6. Lights and Indicators

- All e-rideables must be equipped with front and rear lights that are visible from at least 200 metres away.
- E-rideables should have indicators or turn signals to improve visibility and communication with other road users.
- Lights must be used at all times when operating in low-light conditions or at night (if night-time use is permitted).
- Promote the use of high-visibility helmets, clothing and lights to increase user visibility, especially at night.

7. Rider Education

- Implement public awareness campaigns to educate e-rideable users about the rules, penalties and safe practices.
- Provide training programs for new users to ensure they understand how to operate e-rideables safely.

8. Data Collection

- Collect and publish independent data on all aspects of e-rideable use, including crashes, deaths, injuries, and penalties issued.
- Regularly evaluate the effectiveness of regulations and make necessary adjustments based on data.
- Measure the health and adverse effects of e-rideables on walking and active transport, ensuring that e-rideables are classified as micromobility and never as active transport.

9. Insurance

- Provide a no-fault insurance cover for pedestrians injured by e-rideable users, ensuring coverage even if the rider was breaking the law at the time of the incident.

10. Public Consultation

- Engage in meaningful public consultation, particularly with vulnerable groups most affected by e-rideables (particularly people who are vision or hearing impaired), to inform policy development.

11. National Consistency

- Develop standardised national rules and regulations for e-rideables to ensure consistency across states and territories.
- Include clear definitions and classifications for different types of e-rideables to avoid regulatory confusion.

12. Accessibility

- Ensure that the needs and safety of people with disabilities, especially those with vision and hearing impairments, are considered in all e-rideable regulations and infrastructure.
- Design public spaces to be inclusive and accessible for all users, including those who rely on walking aids or wheelchairs.

13. Trial Evaluations

- Conduct thorough and transparent evaluations of e-rideable trials, considering all impacts, including those on vulnerable road users.
- Use findings from trials to inform future regulations and infrastructure planning.

14. Licensing and Registration

- Require all e-rideable users to have a valid driver's licence, with a minimum age requirement of 17 years.
- Implement a registration system for e-rideables, including a clearly visible unique identifier for each device.
- Ensure that registered operators are liable for certain offences, such as parking offences and camera-detected offences.
- Mandate that e-rideables meet minimum safety standards, similar to other motor vehicles, to ensure roadworthiness and compliance with safety regulations.

15. Penalties and Enforcement

- Implement a penalty system for e-rideable users that mirrors those for motor-scooter riders, including demerit points on licences and licence suspension for repeat offenders.
- Empower local council rangers to assist police to enforce these penalties consistently across all jurisdictions.
- Implement a system for identifying and tracking repeat offenders, potentially including temporary or permanent bans on e-rideable use for severe or repeat-offenders.
- Ensure that rental companies are held accountable for their users' behaviour, with potential fines or operating restrictions for companies that fail to adequately educate or monitor their customers.
- Establish a clear process for reporting offences, making it easier for pedestrians and other road users to report dangerous e-rideable behaviour.
- Conduct regular enforcement blitzes to raise awareness and encourage compliance with e-rideable laws and regulations.
- Create technological devices which can allow police to easily determine if an e-rideable does not comply with the prevailing legislation.
- Require police to confiscate the e-rideables of children in jurisdictions where they are not permitted to issue penalty notices and encourage confiscation when the e-rideable is an unregistered, uninsured motor-vehicle
- Create new Offence Codes for unregistered-uninsured motor-vehicles which differentiate e-rideables from ordinary motor-car and motor-cycle offence codes. Currently there is no differentiation, hence there's no data available.

16. No-Ride Zones

- Require local councils to declare all shopping centre strips and areas of high pedestrian activity as No-Ride zones, with clear signage stating that riders must dismount.
- Ensure that e-rideables cannot be used on pedestrian crossings unless they are traffic light controlled crossings with bicycle signage

17. Speed Governance and Anti-Tampering Measures

- Mandate that all e-rideables are governed so that they cannot exceed 25 km/h under any circumstances.
- Implement very high penalties for tampering with e-rideable motors or speed governors.
- Equip enforcement agencies with the necessary technology to test whether e-rideable motors have been tampered with or modified to exceed governed limits.
- Require manufacturers and retailers to implement tamper-proof designs and provide warranties that become void if speed governors are modified.

By implementing these recommendations, we can create a safer, more inclusive environment for all road users while accommodating the benefits of e-rideables.

We must put pedestrians first and ensure that e-mobility for some doesn't result in the immobility of others.



Pedestrian Council of Australia

The Walking Class



Pedestrian Council of Australia

The Walking Class



E-RIDEABLES

(Micromobility)

NSW Legislative Council

**INQUIRY INTO THE USE OF E-SCOOTERS,
E-BIKES (INCLUDING SHARED SCHEMES) AND RELATED MOBILITY OPTIONS**

August 2024



Walking is the first thing an infant wants to do and the last thing an old person wants to give up. Walking is the exercise that does not need a gym. It is the prescription without medicine, the weight control without diet, and the cosmetic that can't be found in a chemist. It is the tranquilliser without a pill, the therapy without a psychoanalyst, and the holiday that does not cost a penny. What's more, it does not pollute, consumes few natural resources and is highly efficient. Walking is convenient, it needs no special equipment, is self-regulating and inherently safe. Walking is as natural as breathing.

John Butcher - Founder Walk21



It took humans a million years to learn how to walk...
and five minutes to forget.

ROAD DEATHS: 12 MONTH TOTAL ⓘ

bitre

New South Wales

July 2024

MONTH

12 MONTH TOTAL

CALENDAR YEAR

MAPS

Click on the buttons above to navigate between pages; Month, 12 Month total, Calendar year and Maps.

JURISDICTION SELECTION

New South Wales

ROAD USER SELECTION

All

AGE GROUP SELECTION

All

GENDER SELECTION

All

CRASH TYPE SELECTION

All

363

Road deaths for last 12 months
Data current to: Jul 2024

17.1%

Change on previous year

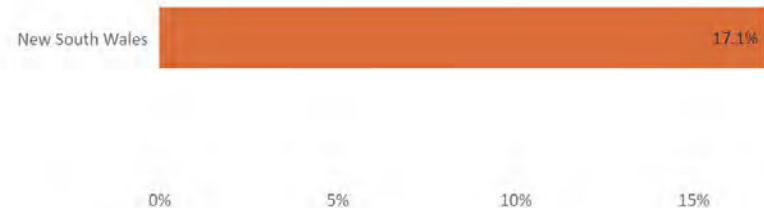
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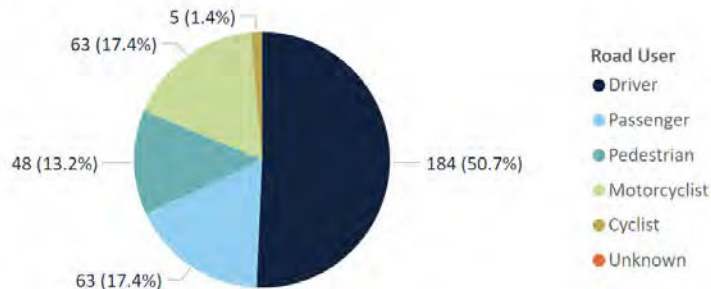
ANNUAL TOTAL - 12 MONTHS ENDED DATA CURRENT TO: JUL 2024



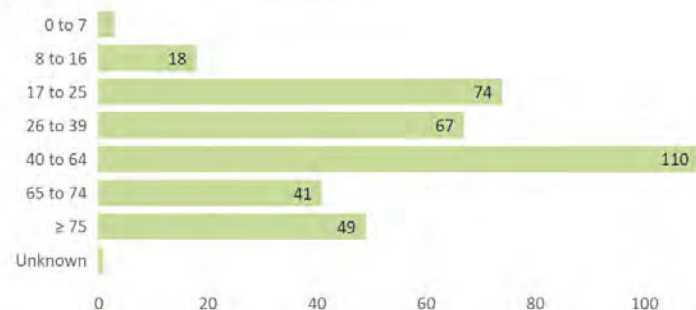
CHANGE ON PREVIOUS 12 MONTHS BY JURISDICTION



LATEST 12 MONTHS BY ROAD USER



LATEST 12 MONTH BY AGE GROUP





Road Fatalities for NSW

up to and including
Sunday, 18 August 2024



Fatalities advised since last update issued: 2

Fatalities excluded since last update issued: 1

	CALENDAR YEAR TO MIDNIGHT 18 August					12-MONTH PERIOD ENDING 18 August				
	2024 (Prelim)	2023 (Prelim)	DIFF.	3-YEAR AVERAGE	DIFF.	2024 (Prelim)	2023 (Prelim)	DIFF.	3-YEAR AVERAGE	DIFF.
Fatal crashes	198	179	19	168	30	322	281	41	267	55
Fatalities										
Driver	113	98	15	88	25	181	141	40	137	44
Passenger	31	39	-8	27	4	61	61	0	42	19
Motorcyclist	38	28	10	33	5	62	47	15	56	6
Pedestrian	32	31	1	30	2	47	53	-6	43	4
Pedal cyclist	4	7	-3	5	-1	4	11	-7	9	-5
Other	0	0	0	0	0	0	0	0	0	0
Total Killed	218	203	15	183	35	355	313	42	288	67

* Motorcyclist and pedal cyclist includes passengers

PRELIMINARY 2023 TOTALS:	Fatal crashes 303	Fatalities 340
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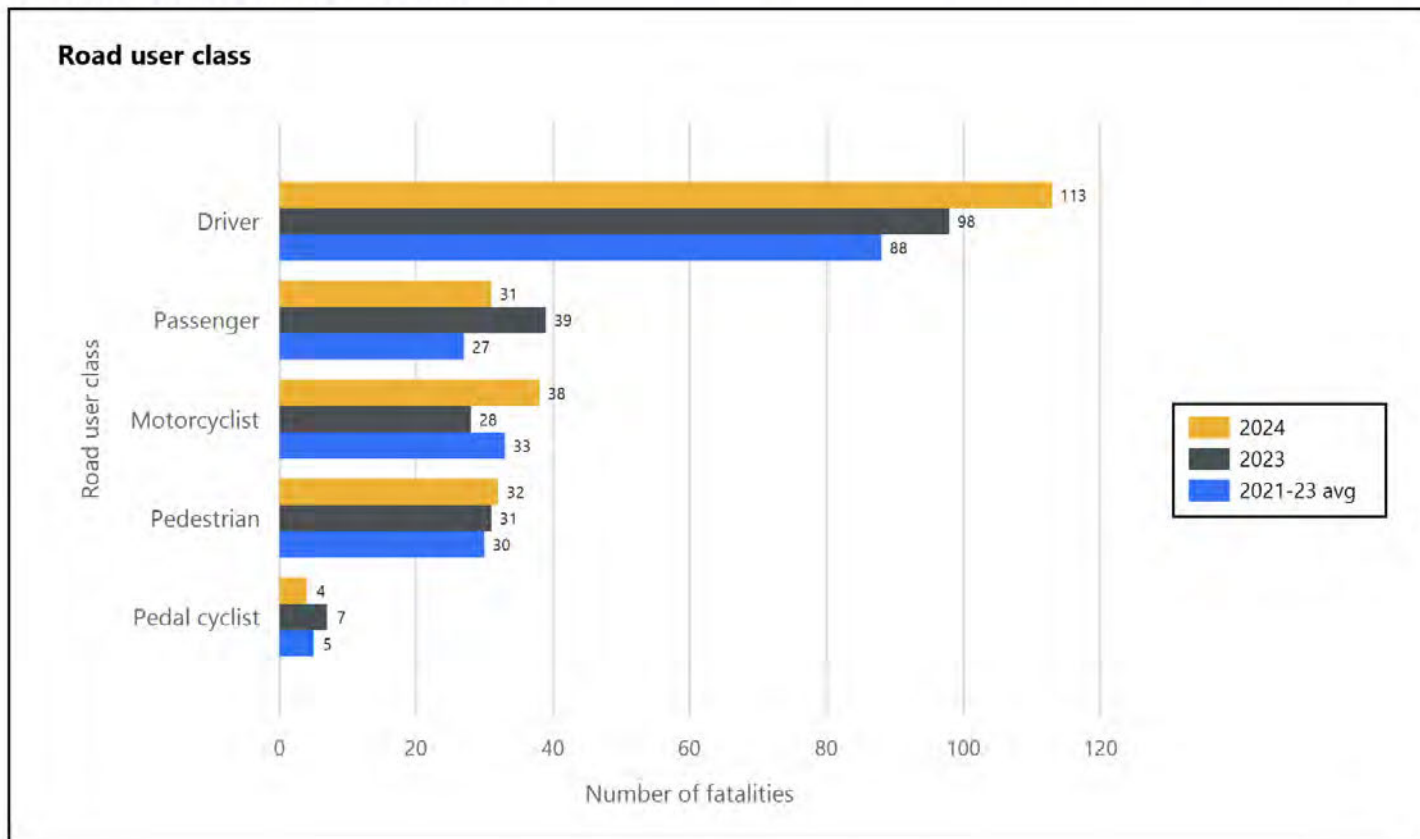
Road Fatalities for NSW

up to and including

Sunday, 18 August 2024

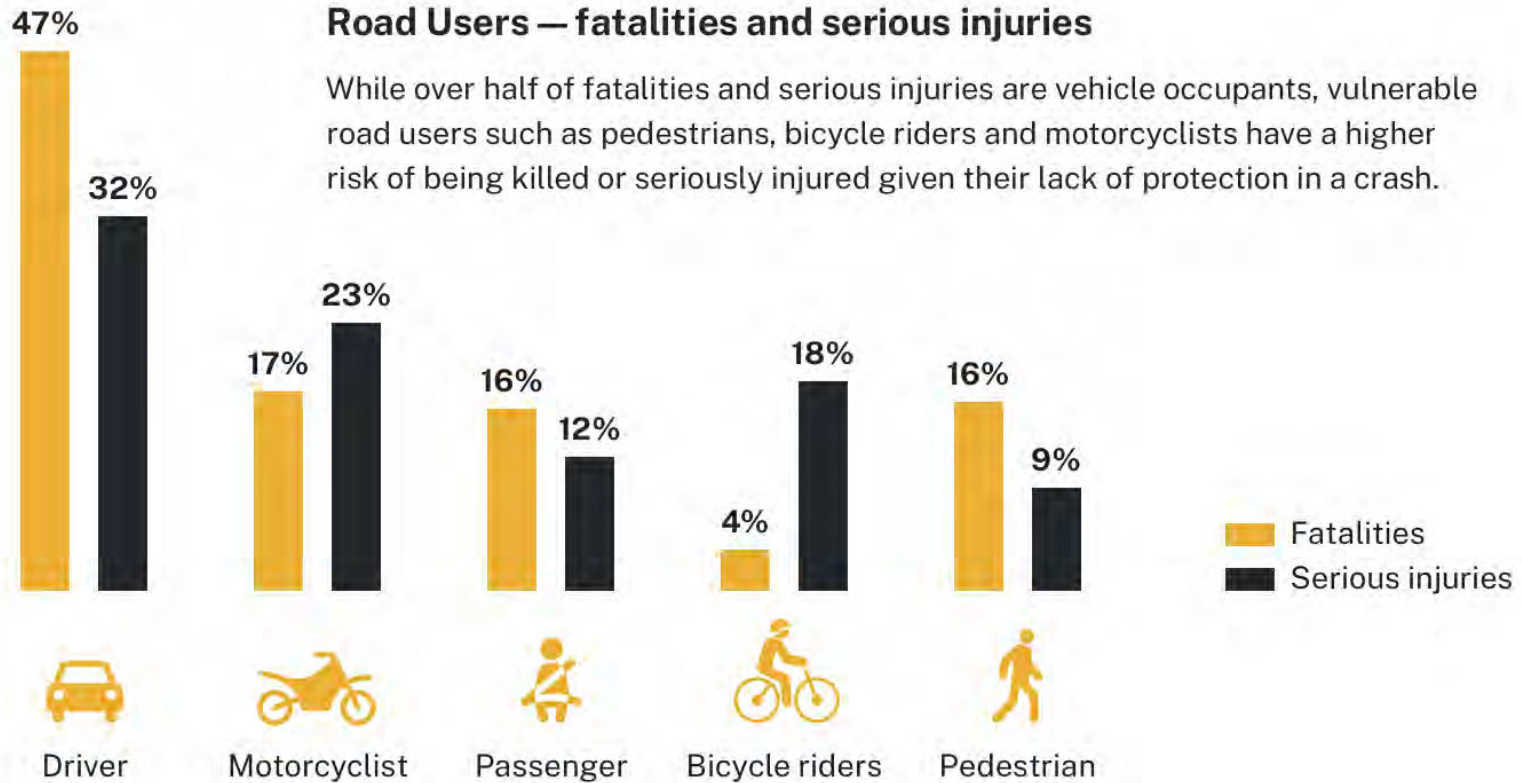


Road fatality comparative statistics for the period 01 January to 18 August 2023, 2024 and the average for the same period in 2021, 2022 and 2023



Road Users – fatalities and serious injuries

While over half of fatalities and serious injuries are vehicle occupants, vulnerable road users such as pedestrians, bicycle riders and motorcyclists have a higher risk of being killed or seriously injured given their lack of protection in a crash.



2026 Road Safety Action Plan

Toward zero trauma
on NSW roads

We know these targets are strongly supported by the community and the NSW Government is committed to deliver actions to achieve them.

Our vision and targets for road safety

Trauma reduction targets

Our commitment is to achieve zero road trauma by 2050, consistent with the long-term vision set out in the National Road Safety Strategy 2021–2030 and our own Future Transport 2056. This vision is shared by the community, with 84 per cent of people supporting our aim for a zero road toll.

Our new, ambitious trauma reduction targets for 2030 are a key stepping stone on our path to zero trauma. They are also consistent with targets in other Australian jurisdictions. Compared to average 2018–2020 levels, by 2030 our goal is to:

Reduce
fatalities by

50%

(≤ 164 fatalities
by 2030)

Reduce serious
injuries by

30%

(≤ 7,796 serious
injuries by 2030)

Lives lost

[Daily report >](#)

2024 to date

218

This time last year

203

12-month period to date

355

Previous 12 months

313

Last updated: 19/08/2024

Serious injuries

[Quarterly report >](#)

(Total hospitalisations)

NSW 12-month period ending December quarter

2023

10555

2022

9711

Last updated: 20/06/2024



In Australia, we are born with EIGHT
railway gauges in our DNA



The Australian Road Rules provide rules to be followed by all road users.

They are part of a national scheme designed to provide uniform road laws throughout Australia.

We now have
different Rules and
Regulations for
Schoolzones in every
State and Territory

STATE	Speed limit	School speed zone times
NSW	40km/h	8 to 9.30am, 2.30 to 4pm on notified school days.
VIC	40km/h, and 60km/h when the original speed limit is 80km/h or higher	Several types of school speed zones, including: <ul style="list-style-type: none"> - permanent 40km/h zones - time-based zones (8–9.30am and 2.30–4pm on school days) - variable speed limit zones (where speed limits are shown using electronic signs)
QLD	40km/h on roads where the limit is 50km/h, 60km/h or 70km/h 60km/h on roads where the limit is 80km/h 60km/h or 80km/h on roads where the limit is 90km/h or 100km/h, depending on the amount of school related activity on or near the road 80km/h on roads where the existing limit is 110km/h.	7-9am, 2-4pm, school days
TAS	40km/h	8am–9.30am and 2.30pm–4pm, school days
SA	25km/h	Any time when a child is present and in the zone. A child is any person less than 18 years of age and includes a student of any age wearing school uniform.
ACT	40km/h	8am-4pm
WA	40km/h	7:30–9am and 2:30–4pm
NT	40km/h	7.30am-5pm

And we now have different
Rules and Regulations for
E-Scooters in every State
and Territory

E-SCOOTER RULES AND REGULATIONS BY JURISDICTION - NOVEMBER 2023

	Share-Hire	Private	Ride on Footpaths Speed Limit	Ride on Roads	On Road Speed Limit	Shared Path Speed Limit	Min Age
NSW	Yes (trial)	No	No	Yes up to 50 km/h	20 km/h	10 km/h	16
VIC	Yes	Yes	No	Yes up to 60 km/h	20 km/h	10 km/h	18
QLD	Yes	Yes	Yes 12 km/h	No *	25 km/h	12 km/h	16
WA	Yes	Yes	Yes 10 km/h	Yes up to 50 km/h	25 km/h	25 km/h	16
SA	Yes	No	Yes 15km/h	No	N/A	15 km/h	18
TAS	Yes	Yes	Yes 15km/h	Yes up to 50 km/h	25 km/h	25 km/h	13
ACT	Yes	Yes	Yes 15km/h	No	N/A	25 km/h	13
NT	Yes	No	Yes 15km/h	No	N/A	15 km/h	18

Notes:

In Qld, Tas and ACT children 12 and under can ride if supervised by an adult

The laws seem vague about riding on pedestrian crossings - cyclists must dismount on crossing throughout Australia

In ACT the speed limit on a pedestrian crossing is 10 km/h

* In Qld riders can ride on the road where there is a separated bike lane on a road where the speed limit does not exceed 50 km/h

All jurisdictions ban doubling, mobile phones and helmets are mandatory in all states and territories

All jurisdictions ban riding when under the influence of alcohol or drugs - but enforcement is questionable

DATA ON DEATHS AND INJURIES

What's really alarming is that the jurisdictions define E-Scooter riders differently. Queensland has recently re-defined them from "pedestrians" to "motor-vehicles". It means that BITRE does not have accurate data on E-Scooter deaths, let alone injuries, across Australia.

Injuries to pedestrians are grossly under-reported as hospitals have no boxes to tick and anecdotal evidence suggests many pedestrians with minor injuries go to a GP.

A significant number do not report these injuries to Police because many E-Scooter riders do not stop and identifying the riders, especially those on Private E-Scooters is almost impossible.

In fact, there is an incentive to ride off, because a law suit involving a seriously injured pedestrian could cost the rider millions of dollars.

Reported e-scooter injuries on the rise at Queensland emergency departments

By Evie Drinnan and Jack McKay

ABC Radio Brisbane

Road Accidents and Incidents

Mon 15 Jul



There are two shared e-scooter companies that operate in Brisbane. (ABC News: Alice Pavlovic)

In short:

The number of reported e-scooter presentations at Queensland's emergency departments increased from 691 in 2021 to 1,273 in 2023.

Since late 2018, fractures have been the most common e-scooter injury at emergency departments, followed by open wounds, then sprains or strains.

What's next?

The state government is working on the introduction of random breath testing for riders and is exploring whether bigger e-scooters are safer to use than smaller devices.

Electric-Rideable technology is advancing at an alarming rate. It is years ahead of the required infrastructure and legislation and enforcement requirements.

An electric bike is as lethal and dangerous as an electric scooter. Yet electric bikes (pedelecs) can be ridden by children (and in many jurisdictions by adults) on footpaths all over Australia.

We need to understand that pedestrians are as vulnerable on a Footpath as they are on a Shared Path.

And we need standardised National Rules, Regulations and Enforcement which place the Safety and Amenity of Pedestrians FIRST, not LAST.



Vision Australia Submission to National Transport Commission Submitted on 14 March 2019

(QUOTE): While we support innovation and recognise that electric scooters can be a convenient way of travelling short distances in CBD areas, it is our strong view that there is no justification whatsoever for allowing any rideable vehicle such as an electric scooter to travel at speeds greater than 10 km/h on footpaths that are available for use by pedestrians. The raising of this speed limit to 25 km/h, as has been done in Queensland, is in our view completely irresponsible and shows a wanton disregard for pedestrian safety, especially pedestrians who are blind or have low vision.



2 October 2018

Dear

Threats to the mobility of the most vulnerable Victorians

We are writing to all Victorian MPs because our footpaths are facing unprecedented demands that threaten the mobility of the most vulnerable Victorians.

We are seeking your assurance that you will not support a change in road rules to allow teenagers and/or adults to cycle on footpaths in Victoria or to allow electric scooters to travel at speeds greater than 10 km/h.



In 2018 the Queensland and South Australian Governments gave permission for the Brisbane and Adelaide Councils to allow E-Scooters to be ridden on all footpaths (with some exceptions).

In Adelaide the maximum governable speed (not speed limit) is 15 km/h. In Brisbane it was 25 km/h.

In Brisbane all kinds of E-Rideables are still permitted, including Segways which weigh up to 60kgs. If accompanied by an adult a 12 year old child can also ride one of these Segways.

Most other jurisdictions only allow a maximum of 45 kgs



**Vision Australia
Presentation to 2023 Trauma Symposium
E-Mobility: Current perspectives and Future Directions**

**Brisbane
17 November 2023**

Even when blind or low-vision pedestrians used footpaths, almost 90% said that they felt less safe because of e-rideables. That's 90%, not 19% - nine out of ten people who are blind or have low vision now feel less safe when walking. This comment sums it up:

"I do not choose to go to Brisbane now as I feel I would not be safe in the city or visiting museums or the art gallery or just enjoying the environment, Southbank, riverside etc"

And what would you say to this person to encourage them to enjoy the pleasures of walking:

"It's terrifying, some riders are so fast, they whiz past and I wobble. I have terrible anxiety that I may fall over"

62% of people responding to our survey said that they had been involved in an accident or near-miss with an e-scooter or other e-rideable. This comment is typical:

Submission to NTC – 14 March 2019

Australia has signed and ratified the UN Convention on the Rights of Persons with Disabilities, and as such is bound to promote, respect and uphold the rights that it asserts. Among the obligations to which States Parties to the Convention agree are the provision of equal access to the physical environment (Article 8) and the provision of equal access to "... Buildings, roads, transportation and other indoor and outdoor facilities, ..." (Article 9). It is our strong view that the manner in which electric scooters and other rideables are being introduced or contemplated in some states/territories in Australia is inconsistent with these obligations.

Domestically, the Disability Discrimination Act (DDA) makes it unlawful to discriminate against (treat less favourably) persons on the basis of disability in key areas of life, including access to premises. The DDA defines "premises" very broadly, so as to include roads, footpaths and other "places" that are not generally thought of as "premises". It is our strong view that insufficient attention is being paid to the potentially discriminatory and actionable consequences of regulation and practice around the use of electric scooters and other rideables.



In spite of our vociferous protestations, all these E-Rideables were permitted to be ridden on Brisbane footpaths at up to 25 km/h – only after three years and numerous serious injuries and several deaths, the government reduced the speed limit to 12 km/h – without apology.





In Queensland the police turned their collective blind eyes to E-Rideable offences – there have been scores of serious injuries and one death ... It's utter anarchy!

Road safety experts expose hundreds of reckless Lime crimes

Half of e-scooter riders break law



LEG UP: A rider on a Lime Scooter in the City Botanic Gardens. Picture: David Clark

JACKIE SINNERTON

ALMOST half of all e-scooter users in Brisbane are breaking the law, Queensland road safety experts have discovered.

Hundreds of reckless users are carrying passengers, scooting down the middle of roads, or travelling around the city without a helmet, an observational study from QUT's Centre for Accident Research and Road Safety – Queensland (CARRS-Q) has revealed in research published in *The Medical Journal of Australia*. The safety advocates are questioning if bicycle helmets are even suitable for the scooters.

In the study, the researchers counted passing scooters and bicycles at six central Brisbane locations for four days, six hours a day.

The researchers recorded 785 e-scooters, 90 per cent of which were Lime and 10 per cent were private. Of the e-scooters, 45 per cent were being ridden illegally because either the rider was not wearing a helmet properly, riding on the road or carrying a passen-

ger. The most common illegal behaviour related to the use of helmets, with 39 per cent either having no helmet or wearing a helmet that wasn't properly fastened.

Ten per cent of the users in the study were children.

Lime, one of the biggest e-scooter companies, received a permit from the Brisbane City Council to operate in November last year, and there were more than 500,000 trips in the first three months.

"While the e-scooter share schemes are popular, there are concerning reports of escalating emergency presentations due to e-scooter injuries to both riders and pedestrians," Professor Narelle Haworth, from CARRS-Q said.

"It is unclear whether the rules appropriately address the safety risks for riders and pedestrians. In their submission to a national working party investigating the safety of innovative vehicles, the Royal Australian College of Surgeons and the Australian Injury Prevention Network identified 134 Lime scooter riders attending Brisbane hospitals in the first two months of this year. Among the

109 people where injury information was available, 27 per cent had limb fractures, and 14 per cent had some sort of head injury."

The significant factors identified in the injuries were non-use of helmets, speeds exceeding 30km/h and alcohol use.

"Further research is needed to investigate whether the current bicycle helmet standards are adequate for e-scooters," Prof Haworth said.

Brisbane City Council last month announced a second scooter company, Neuron Mobility, would be allowed to operate from July 22 and that Lime's permit would be extended for 12 months.

Nelson Savanh from Lime said rider safety was the company's No.1 priority.

"Just like driving a car, scooter riders must follow the law for their own safety and the safety of others," he said.

"With more than one million rides, the vast majority of our riders do the right thing, but this is a timely reminder that riders must wear their courtesy helmet, follow the speed limit and be mindful of riding around pedestrians."

The highest cause of avoidable death after 50 is from a fall ...



Daily **Mail** Australia

E-scooters 'are 100 times more dangerous than bicycles', admit transport chiefs - as trials for the vehicles begin in London next month

- <https://www.dailymail.co.uk/auhome/index.html>

Transport for London study found riders need hospital treatment every 3.1 years

- **More than 200 injuries to e-scooter riders recorded in London in past two years**
- **Campaigners believe the true figure is higher, and called for more restrictions**

By [HOLLY BANCROFT FOR THE MAIL ON SUNDAY](#)

PUBLISHED: 23 May 2021

Electric scooter trials will begin in [London](#) next month – despite an admission by transport chiefs that they could be 100 times more dangerous than bicycles.

The 12-month rental scheme starts on June 7, but a study by Transport for London ([TfL](#)), based on US data, found riders needed hospital treatment after accidents every 3.1 years on average, with many suffering head or neck injuries.



Electric Scooter Veloz G4 4200Watts Peak Power 110 Km/Hr 220 Km Distance ALL TERRAIN Portable Battery 6 Months Free Service

\$3,990.00

Tax included. Shipping calculated at checkout.

or \$665.00/mth for 6 months interest free. Fees apply. **ZIP**

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LOCATION

Low stock - 1 item left

ENQUIRE NOW

Electric scooters capable of speeds in excess of 110 km/h are readily available all over Australia.

Hospitalisations involving e-scooter riders up 234 per cent in a year



By [Cara Waters](#)

The Age - November 27, 2022



Journal of Orthopaedics

Volume 39, May 2023, Pages 42-44



Results

In the 12 months prior to, and five months since introduction of the ride share scheme, 43 patients sustaining e-scooter related injuries were identified. Eighteen patients (42%) presented in the five months since ride sharing was introduced and 25 patients in the preceding 12 months. 58% of patients were found to be intoxicated. Fourteen percent required an ICU admission. Forty-four percent of patients were polytrauma admissions. The median length of stay was two days, longest individual hospital stay was 69 days. There were 49 surgical procedures in 35 patients including neurosurgical, plastics and maxillofacial operations. The mean Injury Severity Score was 17.28.

NOTE: Disqualified drivers, many of whom are alcoholics, can rent or buy an E-Scooter, some capable of 150 km/h and ride them anywhere in Victoria

INTOXICATION

Just imagine how many E-Scooter riders are out there riding intoxicated.

In all the jurisdictions there's nothing stopping an alcoholic or drug addict who has been disqualified from driving, riding an E-Scooter or any E-Rideable.

And in most jurisdictions Police are not allowed to randomly test riders for drunk or drugged riding.

**The footpath has
become a very
hostile place ...**

It's not only when they are being ridden that E-Rideables are dangerous ... It's when and where they are dumped!

And not one state or territory has properly legislated or enforced where E-Scooters can be “parked” after a journey

Imagine being blind (or vision impaired) and trying to navigate through this ...









In a paper regarding Shared Paths, released by Victoria Walks they found:

In a survey of 607 Victorians with vision impairment, as pedestrians 8% had been involved in a collision and 20% in a near collision over the previous five years. A quarter of these collisions (or near collisions) were with bicycles. Dr Jan Garrard's 2013 report Senior Victorians and walking: obstacles and opportunities demonstrates that walking is critical for senior Victorians to live healthy, independent lives. For those aged 75 and over, walking makes up 77% of their total physical activity. And as seniors get older, their walking is more about everyday needs, with walking for shopping or personal business increasing from 53% of trips for 60-69 year olds to 81% of trips for those aged over 80. The study included a survey of 1128 senior Victorians – 39% rated bicycle riders on shared walking or cycling paths as a moderate to major constraint to their walking. Cyclists on footpaths will deter seniors from walking and limit their ability to live their everyday lives.

"Cyclists are really bad...and I ride a bike myself, but they scare me... Bicycle Victoria says 'obey the road rules' but they don't."

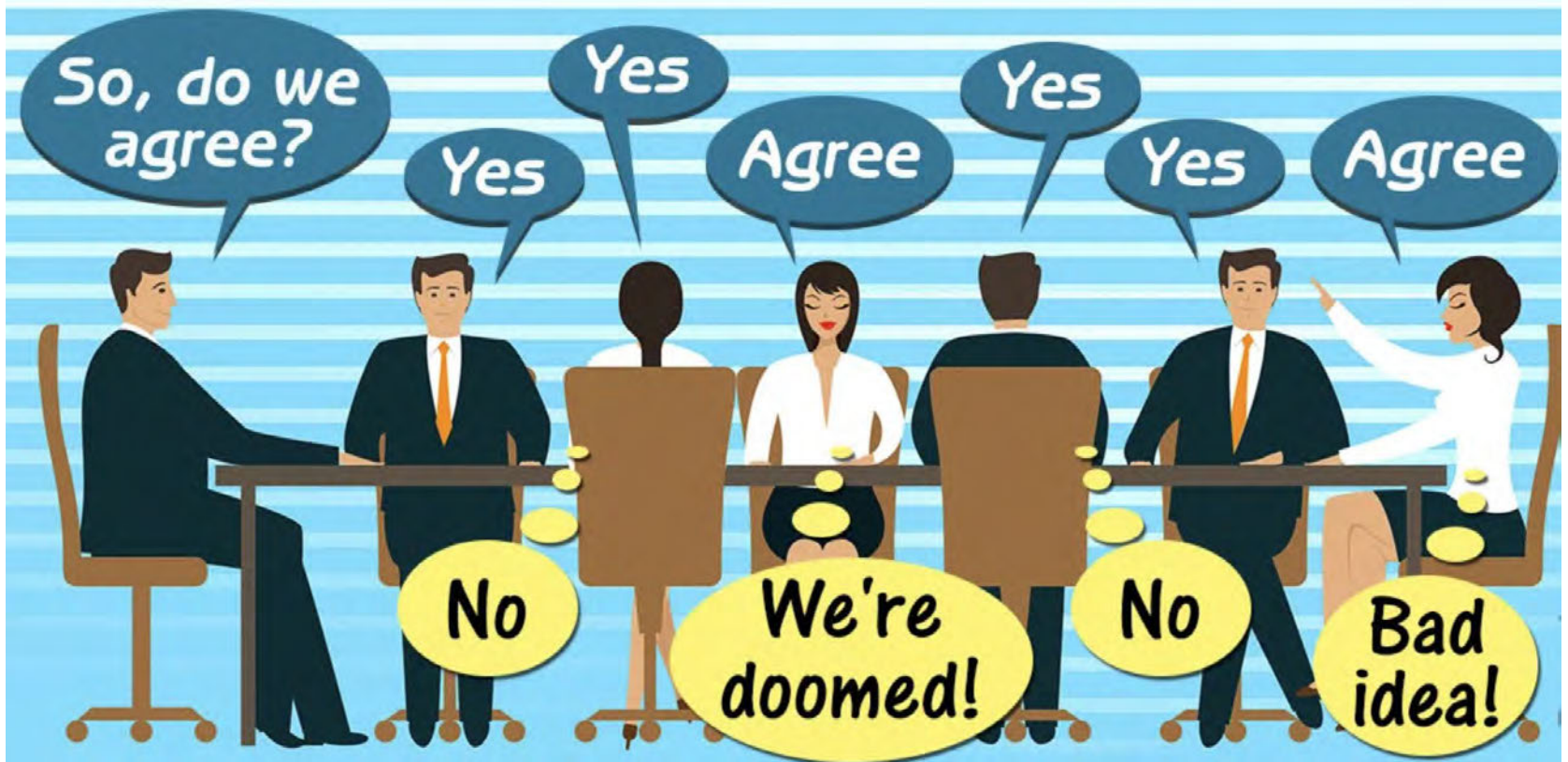
Senior Victorian.¹

POTENTIAL FOR HARM – DUTY OF CARE?

There were no risk assessments. Consultation with Key Stakeholders was farcical. Our concerns were ignored. Multi-national E-Scooter and E-Rideable companies arrived on our shores and took over Queensland footpaths. Motor vehicles weighing up to 65 kgs were permitted and encouraged on Brisbane footpaths, crossings and parks with a speed limit of 25 km/h. It was all based on some misguided ideology that E-Rideables would fix all transport problems. It was ...



GROUPTHINK



Groupthink is a phenomenon that occurs when a group of individuals reaches a consensus without critical reasoning or evaluation of the consequences or alternatives. Groupthink is based on a common desire not to upset the balance of a group of people.

Lime injuries in Brisbane higher than feared, new data reveals

The party is over for Lime Scooter riders, with police saying they will likely no longer issue cautions for reckless behaviour.

A man who fell from what he claims was a faulty Lime Scooter, says he was left unable to work for months. His story comes as new research reveals the rate of injuries caused by the e-scooters is almost 30 times higher than originally believed.

[Chris Clarke, Danielle O'Neal, The Courier-Mail - December 23, 2019](#)

THE rate of horror injuries caused by Lime Scooter accidents could be almost 30 times higher than originally believed, according to shocking new research.

The stunning revelation has led one leading lawyer to suggest the State Government should not be allowing Lime to skip registration and Compulsory Third Party insurance.

Lime has revealed about 1.8 million trips on its e-scooters were completed in Brisbane from November 2018 to October 2019, with one researcher calculating there had been 447 emergency department presentations due to Lime-related injuries during that time.

That equated to 27 emergency department presentations per 100,000 trips. In comparison, Lime estimated one injury per 100,000 trips in its New Zealand market.

"If someone crunched the numbers on the cost of these injuries to the public health system, perhaps the State Government would be thinking twice about allowing e-scooter companies to skip registration and therefore Compulsory Third Party insurance, and would instead make sure e-scooter businesses obtain public liability insurance that covers both the rider and footpath users," Lawyer Travis Schultz, of Schultz Legal, told *The Courier-Mail*.

"If a motor vehicle company underestimated its safety credentials by 27 times, there would be colossal community outrage from both regulators and consumers alike."



Queensland is the only state that allows e-scooter users to travel faster than 10km/h. Picture: AAP/David Clark

Electric scooters, like bicycles, are not required to be registered. There are rules governing their safe use including the use of helmets and speed limits, a state government spokesman said.

The research was presented by Associate Professor Kirsten [Vallmuur](#) at the Australasian Injury Prevention and Safety Promotion Conference last month.

But Mitchell Price, Lime regional director of government relations said Lime's priority was "always safety".

"We take incidents involving scooters very seriously, but these numbers should be viewed in context of alarming numbers of cycling injuries and the tragically high road toll," he said.

Queensland is the only state or territory in Australia where an electronic scooter above 200 watts can be ridden on footpaths and is the only state where riders can travel faster than 10km/h.

Contracts with Brisbane City Council require e-scooter operators to have a public liability insurance policy.

Deputy Mayor Krista Adams said the State Government was responsible for regulating the use of both private and commercial e-scooters, including driver behaviour, speed limits and helmet-use.

"Council takes the safety of Brisbane residents and visitors very seriously and wants the State Government to review the current speed limit," she said.



Moranbah mum Hayley Adamson, 29, was left with a fractured jaw, 12 cracked teeth and eight stitches in her chin after she says her Lime Scooter malfunctioned while she was riding it in Brisbane. Picture: Supplied

Moranbah mum Hayley Adamson, 29, was left with a fractured jaw, 12 cracked teeth and eight stitches in her chin after her lime scooter malfunctioned while she was riding it in Brisbane.

"The front wheel locked up and just threw me over the handlebars," she said.

"My whole bodyweight basically landed on my bottom jaw. It was horrendous, I passed out for a few minutes and when I came-to my shirt was covered in blood."

The accident happened in March but Ms Adamson said she is still dealing with her injuries nine months later.

In February she will undergo surgery to have seven teeth pulled out and five implants put in. "We are hoping that by June, this will all be over, but by then we will have spent \$50,000 on my teeth," she said.



Hayley Adamson must undergo more dental surgery in February, following her Lime Scooter fall Picture: Supplied

Ms Adamson said the injuries had been a huge strain on her young family.

"My partner and I are engaged and we wanted to get married sometime in the next few years but that's now been put on hold," she said.

"We'd planned on buying a house sometime this year but now that hasn't happened. It has derailed our life plan."

Ms Adamson said she was shocked e-scooters remained in use even after a string of malfunctions and injuries.

"It makes me so angry because they are aware of what's been happening," she said.



Dylan Pires in hospital after his fall from a Lime Scooter. Picture: Supplied

Dylan Pires is another e-scooter user who says he was forced to pursue legal help to claim loss of income as a result of his injuries.

Mr Pires, from Brisbane's north, suffered a fractured jaw, broken nose and several other facial injuries when he fell from what he said was a faulty Lime scooter in Tenerife in April.

"It was only about a week after they claimed to have fixed the fault that I was flipped over the scooter because of the brakes," he said.

Mr Pires said Lime offered him about \$5000 to assist in medical fees, which came with the agreement he would not pursue the company for any extra money.

"It was only three days after my accident that they offered that to me, but being so soon after the fall I didn't know what impact it was going to have on me long term so I didn't take it," he said.

"My medical fees were around \$10,000 total, but really the worst part was loss of income, which I'm currently trying to get back through lawyers."

As the owner of food truck business King of Wings, Mr Pires said his injuries left him unable to drive the truck for months, resulting in a loss of tens of thousands of dollars.

"It would be around \$40,000 to \$50,000 loss of income, because I'm the only one licensed to drive one of the trucks that tows a caravan," he said.



**Dylan Pires would like to see compulsory insurance introduced for Lime Scooter users.
Picture: Annette Dew**

Mr Pires said he believed that Lime should have compulsory insurance to guarantee the safety of all e-scooter users.

Shine Lawyers Solicitor Sarah Grace said injury statistics were concerning.

"These figures are shocking and need to be taken very seriously," she said.

"We are certainly seeing an increase in inquiries from riders who have been left with fractured bones and dental injuries."

"There still seems to be a lack of available helmets, people are riding two at a time, they are travelling at excessive speeds and are riding intoxicated."

Ms Grace said the holiday period would likely see a lot of people using e-scooters.

"It is likely that partygoers may choose to use a Lime Scooter as transport to or from a function," she said.

"I can't stress enough how important it is to take extra care. I have seen first-hand what happens when these scooters glitch or are ridden dangerously and the injuries are devastating."

On 6 August 2019 where, Nelson Savanh of Lime Scooters said:
"Lime scooters are 100% safe." on Channel 9 News (Brisbane)

View video clip here: <https://youtu.be/TeKzoRvFnV4>

The PCA immediately filed a complaint with the ACCC



PEDESTRIAN COUNCIL OF AUSTRALIA

Safety - Amenity - Access - Health

The Walking Class

Patron: Dame Quentin Bryce AD CVO

MEDIA RELEASE – 18 JUNE 2020

**ACCC FINDS LIME SCOOTERS MISREPRESENTED THAT ITS SCOOTERS WERE SAFE FOLLOWING COMPLAINT BY PCA
QUEENSLAND GOVERNMENT AND BRISBANE CITY COUNCIL MUST IMMEDIATELY BAN ALL E-RIDEABLES FROM FOOTPATHS**

The Chairman of the Pedestrian Council of Australia, Harold Scruby, has demanded that the QLD Government and BCC immediately ban all E-Rideables from footpaths and pedestrian crossings.

“The findings by the ACCC are a damning indictment of two governments who care absolutely nought about the safety of pedestrians (the largest and most vulnerable road-user group) and the sovereignty of the footpath.

And in particular Lime Scooters whose representatives continue to lie and mislead consumers about their safety – and fail to report serious injuries on at least 50 occasions.

Our complaint followed an article on Channel 9 News (Brisbane) on 6 August 2019 where, Nelson Savanh of Lime Scooters said: **"Lime scooters are 100% safe."** (View video clip here:

<https://youtu.be/TeKzoRvFnV4>).

The evidence provided by the ACCC is irrefutable (see below).

And only last Monday, a 93-year-old man was killed by a cyclist on a footpath at Burpengary.

We are a rapidly ageing population and the highest avoidable cause of death is from a fall.

The Qld Government and the BCC need to understand that footpaths are for pedestrians NOT vehicles. " Mr Scruby said



Lime e-scooters undertakes to address concerns about safety misrepresentations

ACCC - 17 June 2020

<https://www.accc.gov.au/media-release/lime-e-scooters-undertakes-to-address-concerns-about-safety-misrepresentations>

The ACCC has accepted a court-enforceable undertaking from e-scooter rental company Lime Network Pty Ltd (Lime) to address the ACCC's concerns regarding misrepresentations about the safety of its Generation 2 (Gen 2) model of e-scooters and to comply with its product safety reporting obligations.

The ACCC considers Lime misrepresented to consumers that its Gen 2 e-scooters were safe to use when in fact it did not disclose to consumers a safety issue it was aware of.

In certain circumstances, Lime's Gen 2 e-scooters would apply excessive brake force, or locking, occurring on the front wheel, causing it to stop suddenly. Serious injuries suffered by consumers as a result included broken bones, damaged teeth, cuts and abrasions.

"Misrepresenting the safety of a product can have very serious consequences," ACCC Commissioner Sarah Court said.

"Businesses must disclose known issues so that consumers can take extra precautions if they still choose to use the products."

The ACCC was also concerned that Lime failed to comply with mandatory injury reporting requirements on at least 50 occasions for injuries arising from Gen 2 e-scooters in Australia and outside Australia.

"All businesses are reminded that if a person has suffered a serious injury, illness or death associated with using their product either in or outside Australia, they must report it under the provisions of the Australian Consumer Law," Ms Court said.

Lime also failed to notify the Commonwealth Minister about the firmware updates Lime applied to its Gen 2 e-scooters in February and March 2019 which specifically fixed the safety issue, as required by product safety laws.

"The ACCC considers that Lime was required to give written notice to the Commonwealth Minister within two days of applying each firmware update, because this was effectively action to recall the Gen 2-e-scooters."

“Notifying the Government of such incidents, and action taken to specifically address a product safety hazard is a vital part of our product safety regime,” Ms Court said.

Lime has acknowledged its conduct was likely to have contravened the Australian Consumer Law, and has admitted that each time it failed to report a serious injury to the Commonwealth Minister it breached its Australian Consumer Law reporting obligations.

Lime suspended its e-scooter operations in Australia in March 2020 due to the COVID-19 pandemic and the public health measures imposed by governments.

If Lime recommences its operations in Australia, it has also undertaken to supply only Gen 3 or other later models of e-scooters for hire, to address any safety issues or defects affecting its [e-scooters](#) and to implement a comprehensive compliance program.

A copy of the undertaking is available at [Lime Network Pty Ltd](#).

Background

Lime is the Australian subsidiary of Neutron Holdings Inc. (Neutron), which provides [dockless](#) bicycle and e-scooter rentals to metropolitan areas and universities around the world. Users locate, unlock and pay to hire the devices via Lime’s smartphone application.

In Australia, Lime has offered its Gen 2 e-scooters for hire in the following locations:

- Brisbane, from 16 November 2018 to 23 March 2020;
- Adelaide, from 15 February 2019 to 14 April 2019; and
- Victoria’s [Monash University](#) Clayton campus, from 7 to 14 November 2018 for a trial period, with the e-scooters remaining available for use on campus until 10 December 2018.

In addition, Lime has offered its newer Generation 3 (Gen 3) model e-scooters for hire in Brisbane, from 11 February 2020 to 23 March 2020.

The Gen 3 e-scooter has a different design to the Gen 2 e-scooter, and is equipped with both an electronic brake on the rear wheel as well as a mechanical drum brake on the front wheel. Lime has advised the ACCC that Gen 3 e-scooters do not run firmware ever known to be affected by the issues experienced with Gen 2 e-scooters.

The circumstances in which Gen 2 e-scooters would experience the sudden stopping issue included when users rode downhill at top speed, or hit a pothole or other obstacle.

Lime has also agreed to publish a statement about the terms of the undertaking and the ACCC’s concerns with its conduct.

Release number:

118/20

ACCC Infocentre:

Use this form to [make a general enquiry](#).

Media enquiries:

Media team - 1300 138 917

ACCC finds e-scooter giant Lime failed to disclose safety concerns to riders

By [Jessica Rendall](#)

ABC NEWS – 18 JUNE 2020



Lime scooters knew of at least 50 incidents involving its Generation Two e-scooters where riders were injured. (ABC News: Alle McMahon)

There are growing calls for an overhaul of e-scooter laws after Australia's consumer watchdog found Lime failed to disclose safety issues it was aware of to riders.

Pedestrian Council of Australia chairman Harold Scruby is leading the push for reforms and argued governments needed to "stop pretending e-scooters are safe".

He said he wanted to see scooters banned from footpaths and mandatory insurance policies implemented for riders.

"If you are hit by one of those scooters, the medical bills will come out of your own pocket," Mr Scruby said.

"You're better off being hit by a car."

Mr Scruby said he believed riders should have licences and e-scooters should be registered vehicles.

"These scooters have the same power as a motorcycle, yet anyone can ride one with no safety training whatsoever," he said.

"There should be strict disclaimers to make consumers aware of the dangers of the vehicle they are about to operate."

The Australian Competition and Consumer Commission (ACCC) said Lime told riders its Generation Two e-scooters were safe to ride, despite knowing of at least 50 incidents where riders were injured.



In some instances, the front wheels of Lime scooters locked. (ABC News: Dan Nancarrow)

In some instances, the scooters would apply excessive brake force or the front wheel would lock, causing serious injuries such as broken bones, damaged teeth, cuts and abrasions.

ACCC commissioner Sarah Court said Lime failed to comply with mandatory injury reporting requirements on at least 50 occasions where riders were harmed.

"Businesses must disclose known issues so that consumers can take extra precautions if they still choose to use the products," Ms Court said.

"If a person has suffered a serious injury, illness or death associated with using their product either in or outside Australia, they must report it under the provisions of the Australian Consumer Law."

The ACCC said Lime had acknowledged it contravened the Australian Consumer Law and had admitted to breaching the reporting obligations for the serious injuries.

'We don't always get it right'

Lime scooters were pulled from Australian streets in March due to the COVID-19 pandemic but the company said it would only supply the latest models of its e-scooter range that had addressed safety issues and defects if it were to return to the market.

Key points:

- **The Australian Competition and Consumer Commission (ACCC) said Lime did not comply with mandatory injury reporting requirements on at least 50 occasions**
- **Lime has acknowledged it contravened Australian Consumer Law and is expected to publish a statement**
- **It has led to calls for the e-scooters to be banned from footpaths**

WHAT DO THE PEOPLE THINK OF E-SCOOTERS

WHY HAVEN'T ANY AUSTRALIAN GOVERNMENTS ASKED THE PEOPLE?

Parisians vote to ban rental e-scooters from French capital by huge margin

Results show 90% support for ridding Paris of 'self-service scooters' whose riders are accused of flouting rules of the road

[Angela Giuffrida](#) *and agencies*

The Guardian - Mon 3 Apr 2023

Parisians have voted to rid the streets of the French capital of rental electric scooters, with an overwhelming 90% of votes cast supporting a ban, official results show.

Paris was a pioneer when it introduced e-scooters, or *trottinettes*, in 2018 as the city's authorities sought to promote non-polluting forms of urban transport.

But as the two-wheeled vehicles grew in popularity, especially among young people, so did the number of accidents: in 2022, three people died and 459 were injured in e-scooter accidents in Paris.

In what was billed as a “public consultation” voters were asked: “For or against self-service scooters?”

‘End the havoc’: Another major city has banned e-scooter rentals from its streets

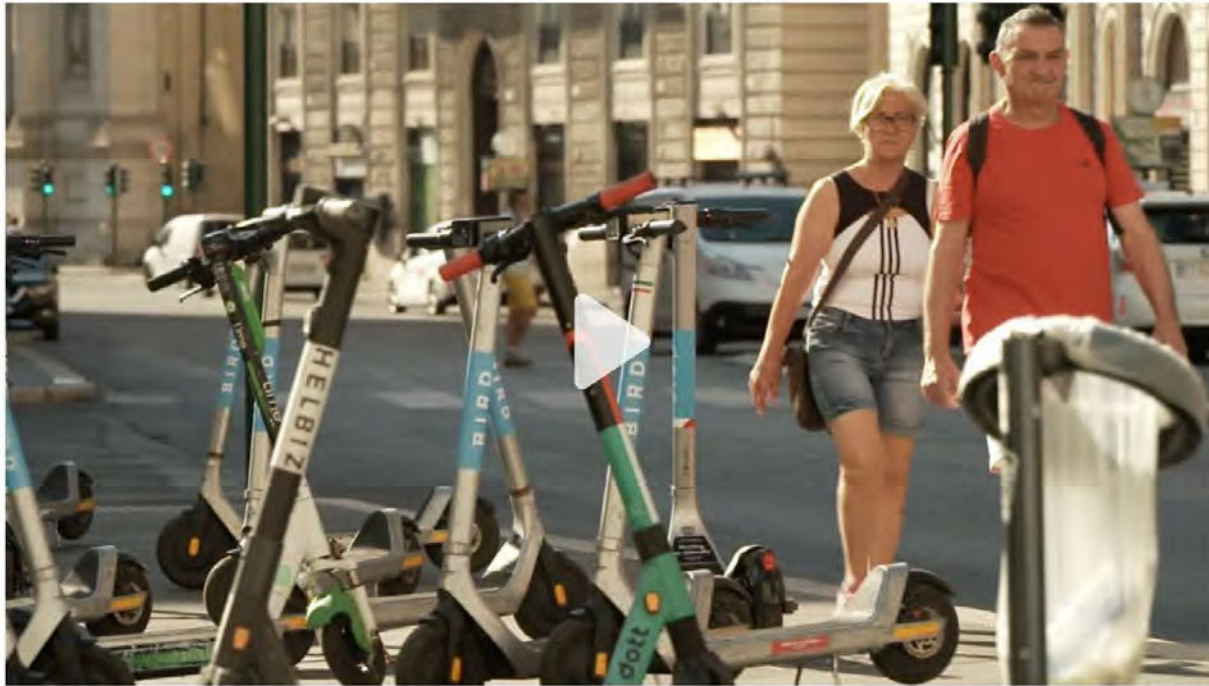
By Maggie Hiufu Wong, CNN

🕒 4 minute read · Updated 11:26 AM EDT, Fri August 16, 2024



People ride e-scooters in Melbourne's central business district on August 14, 2024. Melbourne has become the latest city to announce a ban on rental e-scooters. William West/AFP/Getty Images

Global bans and crackdowns



Video Ad Feedback

Rome limits the number of e-scooters after issues arise

02.29 - Source: [CNN](#)

Melbourne isn't the only major city having second thoughts about the benefits of e-scooters.

Paris, once one of the biggest e-scooter-riding cities in Europe, voted to ban rented electronic scooters in 2023.

Copenhagen banned them in 2020, then reintroduced them the following year, but with strict new rules. Barcelona has partially banned them in historic parts of the city since 2016. In London, privately owned e-scooters remain illegal for use on public roads, but public trials have been running with three operators since mid-2021.

In 2019, the NSW Government appointed a Working Group of expert “stakeholders” to advise on the Regulations for an E-Scooter trial.

The PCA was part of the Group and our Report was released in March 2020.

Transport for NSW

ESA Working Group – Electric Scooter Trial Recommendations Report

March 2020

The Operating Requirements and Trial Location Criteria below have been extracted from the Recommendations for Trial Conditions detailed in Appendix 1.

Operating requirements

Parameter	Trial Requirement
Trial duration	6 months with consideration for an additional 6 months
Licensing	Users must have a drivers' licence valid in NSW (minimum Provisional); age restriction in line with licensing (min. 17)
Identification	Each scooter must have a clearly visible unique identifier
Passengers	Passengers are not permitted
Helmet use	Riders must wear an approved bicycle helmet
Maximum power output	300 watts
Maximum speed	Capable of up to a maximum of 20km/h on roads or bike lanes/paths and only allowed to travel at a maximum of 10km/h on shared paths
Use on roads	<ul style="list-style-type: none"> • Must not be used on roads with: <ul style="list-style-type: none"> - Speed limit greater than 50km/h - Multiple lanes in direction of travel • Must be ridden as near as practicable to the left hand side of the road
Use on footpath	<ul style="list-style-type: none"> • Not permitted
Use in bike lanes/bike paths	<ul style="list-style-type: none"> • Permitted (preferred over shared paths)
Use on shared paths and zones	<ul style="list-style-type: none"> • Permitted • Max. speed of 10km/h • Must give way to pedestrians • Keep left
Parking	Scooters are to be parked in 'bays' as defined by Council
Operator density	Min. 2 competitive Operators in each trial area
Geofencing system	Trial boundaries, no-go zones, slow speed zones
Use at night	<ul style="list-style-type: none"> • Scooter use will be prohibited at night (between sunset and sunrise)

Insurance	Operators are responsible for AUD\$20m public liability insurance, insurance for personal injury and third party injury that is equivalent to the policy and benefit structure as compared to CTP insurance, and third party property insurance.
Enforcement	<ul style="list-style-type: none"> • Non-compliant riders will be subject to penalty infringement notices for breaching applicable road transport law exemptions; penalties to reflect light vehicle penalties where feasible. • Operators must legally own scooters and have business registered in NSW for Police to request personally identifiable data
Data	Operators must provide de-identified trial data, dashboards and operating reports as requested by TfNSW; MaaS data specifications

Trial Location criteria

Parameter	Trial Location Criteria
Parking bays	Must be able to support sufficient scooter parking bays without overwhelming existing infrastructure
Shared paths	Must meet NSW Road Rules 2014 signage requirements and Austroads design requirements verified by the local council
Roads	<ul style="list-style-type: none"> • Must not have gaps in the network that forces riders to break trial requirements • Free from light-rail tracks • Upgraded stormwater grates
Bike lanes/bike paths	Ideal environment to operate; location should have a complete network with minimal use on shared paths and roads
Geography	<ul style="list-style-type: none"> • Steep hills can be geo-fenced to prevent usage • Councils can direct Operators to remove scooters from known high risk areas outside of operating hours e.g. near waterfronts
Parking Monitoring	<ul style="list-style-type: none"> • Operators will have on-ground teams to respond to complaints and scooter 're-balancing' but Councils would be required to conduct adhoc monitoring of parking and issue appropriate notices • Councils will have powers to impound scooters that are not removed within the agreed timeframes
Community consultation	<ul style="list-style-type: none"> • Required to be part of a communications plan and conducted prior to a trial
Transport outcomes	<ul style="list-style-type: none"> • Within ~2.5km of a transit hub or destinations (home/work/universities)

Private e-Scooter use

The ESA Working Group has conducted an analysis on a trial involving privately owned electric scooters in Figure 2.

It is in the Working Group's view that the potential benefits of conducting a privately owned electric scooter trial is greatly outweighed by the increased amount of challenges. As such, it has not been recommended that an initial trial include privately owned electric scooters at this time.

PROs	CONs
Potentially less risky rider behaviour; e.g. doubling up, greater helmet use	Greater administration efforts required to acquire any data and build the case for electric scooters
No vandalism	Difficulty in imposing registration and insurance
Fewer parking issues	Cannot geofence trial boundaries or prevent riding beyond trial zones
Rides are focussed on transport rather than joyrides	Difficult to implement riding curfews
	Lack of connectivity for users on dedicated cycling infrastructure
	Compliance relies solely on police and council
	Greater complexity in regulatory exemption
	Enforcement of vehicle standards difficult – particularly with maximum power and speed requirements
	Registration/number plate requirements would increase complexity in the current legislative environment

PROs	CONs
	Crash data entirely dependent on witness or rider reporting
	May unintentionally permit other types of privately owned motorised devices
	Higher chance of vehicle modification
	At risk of overwhelming litigation system if vehicles are not registered
	Cannot rely on technology to apply speed limits

Figure 2. Privately owned electric scooter trial analysis

In late 2018, NSW Transport Minister Andrew Constance returned from overseas where he had studied E-Rideables and stated he did not want them in NSW because he saw no significant benefits and many serious issues ...



Then NSW Transport Minister Rob Stokes held an Active Transport Symposium which declared that E-Scooters would save the world

**BEWARE
Spin Doctors**

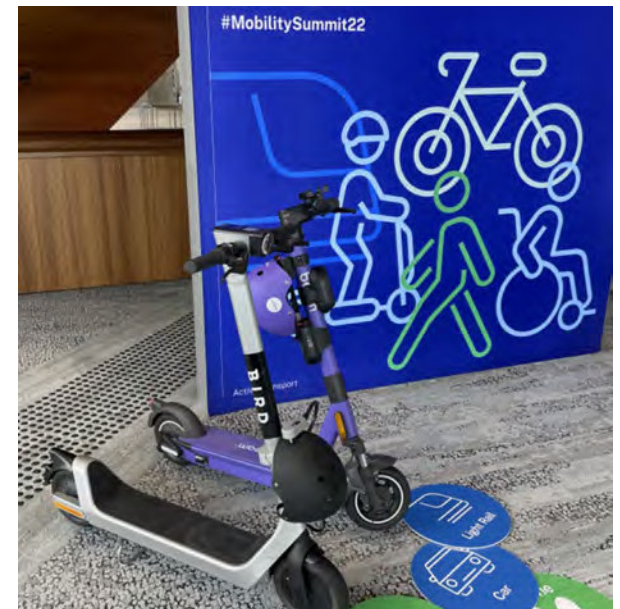
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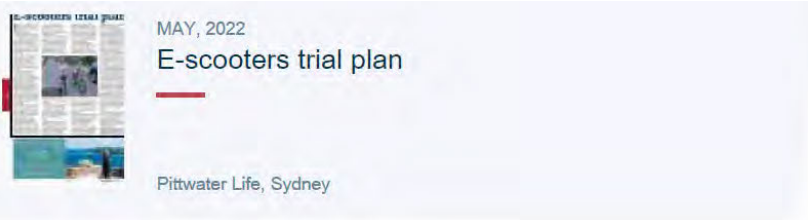
In April 2022, Transport Minister Rob Stokes launched the “ACTIVE TRANSPORT” Mobility Summit – It was all about E-Scooters

He created an entire Active Transport department. And E-Scooters were touted as the Number One form of Active Transport





QUOTE: Minister Rob Stokes. Minister for Active Transport: “E-Scooters are an affordable, convenient and sustainable **active transport** option ...”



E-scooters trial plan

Electronic scooters, according to one local dealer's website, are the transport mode of the future.

"A faster, easier, smarter way to get around," it says, adding "... as battery technology gets better, we'll make sure you ride faster, further, and safer."

All good - except E-scooters are illegal on public roads and footpaths in NSW and most other states.

Not that it's illegal to sell them, as many of Australia's mainstream stores do.

Except they don't point out that E-scooters are only legal to ride in NSW on private property.

In November last year - when Rob Stokes (state member for Pittwater) was still NSW's minister for Transport and Roads - he announced an upcoming E-scooter trial, hedging his bets between E-scooters being "an affordable, convenient and sustainable mode of mobility, particularly for the first and last mile journeys" and a danger that needs regulating because "safety is paramount".

The parameters of the trial have yet to be finalised. When they are, the trial is expected to be introduced in the second half of 2022, in select Councils and regions across NSW.

In the interim, E-scooters have figured frequently in mainstream media, focussing mainly on pedestrians being injured by out-of-control teenagers too young to learn the rules of the pavement, let alone the road.

Where does this leave parents, who purchased an E-scooter for their son or daughter in good faith from a reputable store?

Nate and Tully - 11 and 9 respectively - are lawbreakers, by their own candid admission.

When we meet on a Saturday morning, Nate has just returned from an hour-long adventure with two mates. One also got an E-scooter for

than their teenage siblings, Sharn says. Both boys always wear helmets ("I don't have to ask"), never ride the E-scooter to school, and mainly confine their adventures to the quiet back streets from their Avalon home to Careel Bay.

(Though Nate boasts his favourite trip was from Avalon to Whale Beach at the top speed of 25km/h. Tully never goes beyond the middle speed,

teenage hoons riding their E-scooters irresponsibly.

One man, "Rahul", bought his E-scooter at JB Hi-Fi for around \$1000, but coped a fine of almost \$2500 in December last year for riding on a public road - including \$352 for not wearing a helmet, \$704 for having unpaid tax and no registrations, and another \$704 for having no insurance.

The PCA has submitted its view about E-scooters. Its main accusations are that private E-scooter riders are exempt from insurance, licence plates, L-plate-like training, speed controls and drink-driving laws.

The last statistics available from the State Government are that since 2016, 36 crashes were reported to NSW Police involving an E-scooter. One rider was killed. Plus 20 riders and one pedestrian were injured.

Rob Stokes, now the Minister for Infrastructure, Cities and Active Transport, retains carriage of the trial - if and when it happens. But Mr Stokes' comments remain the same as when he mooted the trial last year: "We need to clear up the regulations around E-scooters, E-bikes and electric skateboards."

"E-scooters are an affordable, convenient and sustainable active transport option, which can easily connect people with their destinations and public transport options." - Steve Meacham

"Have you had a 'run-in' with an electric bike, scooter or skateboard? Tell us about it at readers@pittwaterlife.com.au



LEISURELY RIDE: Nate, 11, on the family's shared e-scooter, with brother Tully, 9, on bike.

PHOTO: Steve Meacham

Christmas, while the other got an E-bike.

Their mother - Sharn George - is understandably cagey when asked how much the E-scooter (shared with older brothers Zac, 15 and Koby, 14) cost. Or which store it came from.

"Santa gave it to all four brothers for Christmas," she says. "I didn't know they were illegal and I don't think Santa knew it was illegal either."

Nate and Tully use their communal present much more

19km/h, having convinced his mum he could graduate from the 14km/h bottom speed.)

Of course, there are just as many critics of E-scooters as supporters.

Chief among them is Harold Scruby, the Whale Beach-based founder, president and chief executive of the Pedestrian Council of Australia.

He cites multiple TV stories on the likes of *A Current Affair* and *Sunrise* showing footage of life-changing accidents for pedestrians mown down by

COULD WE ALL AGREE ON ONE THING?

**E-SCOOTERS ARE THE
VERY ANTITHESIS OF
ACTIVE TRANSPORT**

**YOU GET MORE EXERCISE WALKING TO
YOUR CAR**

**THIS IS WHAT THE EXPERTS SAID ABOUT
MINISTER STOKES' VIEW:**

EXPERTS DECLARE: E-SCOOTERS ARE NOT ACTIVE TRANSPORT

From: Jan Gehl

Sent: Saturday, 28 May 2022 4:54 AM

To:

Subject: Re: URGENT: E-SCOOTERS ARE NOT ACTIVE TRANSPORT

Dear all

E-Scooters as active transport? I have never heard such nonsense ever.

World Health Organisation in their global action plan from 2008 states:

..."introduce transport policies that promote active and safe methods of traveling such as walking or cycling-"

I see no mention of E-scooters here, and furthermore they talk about active and safe methods of travelling. E-scooters certainly would have no place in this context

Good luck with your struggle

Yours

Jan Gehl

From: Duane Burt

Sent: Friday, 13 May 2022 10:54 AM

To:

Cc: Ben Rossiter

Subject: RE: E-Scooters are 100 times more dangerous than bicycles - and they are NOT Active Transport

Hi Harold,

Victoria Walks agrees that e-scooters are not a form of active transport. Active transport involves physical activity.

In addition to the points raised by Professors Bauman and Ivers, which we agree with, I would note that e-scooters in fact reduce active transport, in two ways:

1. E-scooter trips largely replace walking and cycling trips, as well as trips by public transport which typically involve walking
2. E-scooters ridden on the footpath or parked in a way that obstructs the footpath may deter walking by intimidating or obstructing people on the footpath, especially older people and people with limited mobility

Thanks,

Duane

Duane Burt

Principal Policy Advisor

Victoria Walks Inc.

From: Rebecca Ivers

Sent: Thursday, 12 May 2022 3:50 PM

To:

Subject: RE: E-SCOOTERS ARE NOT ACTIVE TRANSPORT

Harold. I agree. Promote e-scooter as micromobility options, not active transport.

Professor Rebecca Ivers

Head of School

School of Population Health

Faculty of Medicine and Health

Room 325A, Samuels Building

UNSW SYDNEY NSW 2052 AUSTRALIA

E:

W:

T:

M:

CRICOS Provider Code 00098G

I acknowledge the traditional owners of the unceded land on which UNSW Sydney stands, the Bedegal people of the Eora Nation.

From: Adrian Bauman

Sent: Friday, 6 May 2022 11:01 AM

To:

Subject: RE: E-Scooters

Harold,

One concern is that E-scooters should not be mis-represented as a form of active travel, as they involve standing, but limited actual human energy expenditure. So, in terms of “active travel”, that term should be confined to trips where walking, or cycling, or even active scooters are used for at least part of the trip, as they involve health-enhancing levels of large muscle activity with an energy expenditure commensurate with health benefits (but not E-scooters). So independent of the risks of E-scooters that you point out, they should not be promoted as an “active” mode of transportation.

Sincerely,

Adrian

Adrian Bauman

Adrian Bauman AO MB BS MPH PhD FAFPHM FACSM FAHMS

Emeritus Professor, Public Health

Prevention Research Collaboration | School of Public Health

Charles Perkins Centre D17 | The University of Sydney | NSW | 2006 Australia

Co-Director WHO Collaborating Centre for Obesity, Nutrition and Physical Activity

Jon Usher, from Sustrans, said: “While we support alternatives to using a car for short journeys in Bristol, this data shows that half of e-scooter trips in the city would have been walked or cycled before the trial was introduced – a similar outcome to what we’ve seen in e-scooter schemes across Europe.

“By swapping active travel for e-scooters, we’re removing the health benefits that come from walking or cycling those journeys.

“This decline in physical activity will not only impact our health, but it can have an economic impact on the city.”

25.05.22

The Hon. Rob Stokes
Minister for Active Transport
52 Martin Place
Sydney NSW 2000

Dear Minister

Re: Upcoming e-Scooter Trial in NSW

As Chairs of the Royal Australasian College of Surgeons Road Trauma Advisory Committee and the Pedestrian Council of Australia, we are writing to you to express significant concern about the trial of rental E-scooters to be held in NSW, which was announced at the recent Active Transport Summit. In particular, the lack of implementation of the recommendations which were provided by the Electric Scooter Advisory Working Party to Transport for NSW in 2020, which were specifically about such a trial.

While we recognize the economic and environmental benefits of introducing e-Scooter rentals to a community, the health impacts for riders and pedestrians cannot be underestimated. E-Scooters have been used internationally for some years now and in the last decade we have seen rental schemes introduced in jurisdictions across Australia. As a result, we have seen a significant increase in related injuries for riders and pedestrians presenting to our hospitals and health systems. Facial and upper limb injuries are common along with traumatic brain injuries. Whilst the majority of injuries may require only a short period of treatment in an Emergency Department or hospital, a sizeable number of patients have serious injuries requiring admission and prolonged periods of rehabilitation, affecting their daily activities and ability to work or care for themselves or their family. Deaths have been recorded across all jurisdictions as a direct result of e-Scooter injuries. This unnecessary cost is having a significant impact on our hospitals, the community and our health systems.

On a public health side, there are significant concerns around the lack of infrastructure to support a shared e-Scooter system, particularly in terms of designated docking stations or parking bays, which will lead to an intrusion onto our pedestrian walkways. There is a deficit in current insurance schemes to cover these 'vehicles' and a scarcity of evidence based vehicle specification safety baselines.

NSW is well positioned to benefit and learn from the data and evidence already available from around Australia, and internationally. The consultation and preparation of the ESA Working Group Electric Scooter Trial Recommendations Report is a result of a careful and holistic consideration by multiple community stakeholders across NSW, of the benefits and safety concerns that the introduction of an e-Scooter scheme would bring with it. Our committees have the responsibility to advocate for the protection not only of the riders of these e-scooters but also pedestrians and those with vulnerabilities such as the elderly, vision / hearing impaired and



children, who will be asked to share their space with these scooters. Whilst we appreciate that e-Scooters have the ability to offer transport alternatives for many in the community, reducing congestion in a sustainable fashion, we strongly urge you to revisit the recommendations provided by the Electric Scooter Advisory Working Party and request that all of these recommendations are adopted, without change, to ensure a safe and considered roll-out of the trial program in NSW.

I would welcome any correspondence from your department regarding this issue.

Yours sincerely,

Dr Jodie-Kate Williams
Chair of RACS Road Trauma Advisory Subcommittee
Director of Trauma, National Critical Care and Trauma Response Centre
MBBS, FRACS, MIPH, AFRACMA

Dr John Crozier AM CSM
Chair of Bi-National Trauma Committee
FRACS FRCS(T) (Hon) FACRS DDU (Vasc)

Dr Michelle Atkinson
Chair, RACS NSW
B Med (Newc) FRACS (A.Orth.A.)

Mr Andrew Bean
Deputy Chair, RACS NSW
MBBS, FRACS, FRCS(E)

Harold Scruby
Chairman/CEO
Pedestrian Council of Australia



EXCLUSIVE

E-bike law changes prompt safety warning in NSW over increased power to 500 wattage

A quiet decision made just before the NSW election earlier this year to beef up the power of e-bikes to double has road safety experts up in arms.



[Clarissa Bye](#)

@clarissa_bye

September 7, 2023

A “sneaky” change to NSW laws in the dying days of the former Coalition Government to allow e-bikes to double their engine power to 500 watts – unlike every other jurisdiction in Australia, UK or Europe – has been slammed as “unsafe” by road safety groups and medical experts.

Road safety expert and trauma surgeon Dr John Crozier says there’s already an “epidemic” of injuries caused by bikes with electric motors, known as e-bikes, as well as from e-scooters. He warned of increased risks with the new, higher-powered engines, to pedestrians and riders.

Secret documents uncovered in a Freedom of Information request by Pedestrian Council founder Harold Scruby reveal safety concerns raised by transport bureaucrats about the move, which increased the output allowed on e-bike motors from 250 watts to 500 watts, although to be legal they still must have their engine cut out above speeds of 25km/h.

This now means that anyone riding a NSW 500 watt E-Bike (pedelec) into any other Australia jurisdiction, will be riding an unregistered, uninsured motor-vehicle.

It will also require the rider to wear a motor-cycle helmet and have a motor cycle licence.

The penalties can be thousands of dollars.

THE FAT BOY

These are the latest E-Bikes. It costs about \$250 to soup them up and many can exceed speeds of 40 km/h. Scores of young children can be seen riding these motor-vehicles all over the northern beaches of Sydney. There is NO enforcement. Most children riding these machines do not wear helmets. The Police have no way of proving they have been souped up or whether they comply.

It's utter anarchy on steroids.

State government urged to change laws after e-bikes hit 42km/h on northern beaches' shared pedestrian paths

Changes to state government laws have been urged after e-bikes were found to be illegally speeding at up to 42km/h on shared pedestrian paths in Sydney.



Jim O'Rourke

Follow

@JimORourke6 3 min read August 22, 2023 - 12:17PM Manly Daily

5 comments



Secondary school students on an e-bike at Queenscliff. Riders aged under 16 were the most complained about in the council's safety audit and survey. Picture: Jim O'Rourke



Three young girls on an e-bike, carrying, but not wearing, helmets. Photo: Alec Smart





The government needs the votes of the Greens in the Upper House, who believe cyclists should be declared a protected species. HAROLD SCRUBY

Who ordered the side of reckless endangerment?

Harold Scruby

In July, an elderly man was killed in Kirribilli by a cyclist who ran a red light on an electric bike. It didn't even rate a mention anywhere in the media. All of the recent media has been about the food delivery couriers.

These people are literally out of control and break every rule in the book. Most riders are on temporary visas, often without any form of identification. They are remunerated per delivery, so there's an incentive to speed and cut corners.

It's at epidemic levels throughout Australia, while the authorities close their collective blind eyes. Absurdly, only police, not rangers, can enforce bicycle laws.

In 1996, the High Court decision in *Hollis v Vabu* found Vabu (Crisis Couriers) to be vicariously liable for the act of an employee — a bicycle courier — who was ultimately never personally identified, but wore the distinctive clothing of Crisis Couriers.

But its eyes were shut at the head offices of these multinational fast food delivery companies, which charge restaurants up to 30 per cent of the menu price of the food.

Pedelecs (electric bicycles) by law have a maximum of 250 watts and are pedal assisted, where the motor must cut out at 25km/h. It's obvious that many have been 'souped up' to enable faster deliveries, putting them in the category of a motor scooter/bike, which require registration and CTP insurance.

The penalties for riding an illegal pedelec in a public place are around \$2000 and \$344, plus three demerit points for riding on a footpath.

And the rider must have a motorcycle licence — penalty \$581 plus seven demerit points — and wear an approved motorcycle crash helmet — penalty \$344 and three demerit points (six during double demerit periods).

But should the rider cause a catastrophic injury to another road user, he or she could be sued for millions and go to jail. And Menulog, Uber Eats, Deliveroo etc could be vicariously liable. Although these companies spend millions on advertising, it's almost impossible to recognise the companies from their mostly grey or dark apparel. How strange! And there's no fluoro as is legally required for most other workers.

It gets worse. Governments throughout Australia love sharing their infrastructure.

Share the road, share the zone. Share the path, share the love.

In October, the NSW Government announced an 80km "shared path" from the Opera House to Par-

ramatta. In reality it's a potentially lethal way out of spending money on building separated, dedicated bike paths.

So what's the speed limit on these Shared Paths? This is not a joke: it's the same as the adjacent road. For example, the Shared Path on the south-western approach to the Harbour Bridge is one of the busiest in Sydney. Scores of primary school children

use it each day when walking to Fort Street Primary School.

The speed limit on this downhill footpath is 70km/h.

Pedestrians have absolute right of way on a Shared Path, at law, but not in practice. There's little if any adherence to the Austroads Guidelines, absurd penalties and there's virtually no enforcement. Speeding (any speed over the limit) is a paltry \$114.

The Pyrmont Bridge is the only Shared Path in NSW which has an enforceable speed limit of 10km/h. In

2014, the Sydney Harbour Foreshore Authority, (SHFA) con-

ducted an audit which revealed that on one day, the lowest average speed was 23km/h and the highest was 27km/h. Yet not one cyclist has ever been booked for speeding (Daily Telegraph October 18, 2014).

Politicians are petrified by this vociferous but relatively small lycra lobby. The government needs the votes of the Greens in the Upper House, who believe cyclists should be declared a protected species and they throw money at them like there's no tomorrow.

The Council on the Ageing, Vision Australia, Victoria Walks and the PCA have all written to the National Transport Commission asking for a national default speed limit of 10km/h on shared paths.

Cyclists have succeeded in getting the Metre Matters Laws requiring motorists to keep a certain distance when overtaking. But try suggesting speed limits or that cyclists should be required to obey a Metre Matters law on Shared Paths and they'll scream like lycra lunatics.

Most cyclists are uninsured and frequently possess few assets. We have a rapidly ageing population where the highest cause of avoidable death after 50 is from a fall.

Injured pedestrians have to pay all costs, unless they can identify and sue the offender.

Police must be provided with devices to check pedelecs and required to start vigorously enforcing the law. If they threw the book at just a few of these riders, the behaviour would change overnight.

And the government must demand that the operators immediately start self-enforcing their contractors. Continuing breaches of the law should require dismissal.

With the advent of the pedelec and every conceivable e-vehicle from e-scooters to e-mono wheels, it's time for STAYSAFE to conduct an urgent review.

Footpaths and pedestrian crossings are for pedestrians — not the Tour de France.

HAROLD SCRUBY IS CHAIRMAN OF THE PED-ESTRIAN COUNCIL OF AUSTRALIA LIMITED



This delivery rider was sprung not wearing a helmet, just one of many such incidents.

OPINION

Cyclists and pedestrians don't want to share in Sydney - we want our own paths



[Harold Scruby](#) Contributor

Sydney Morning Herald - June 22, 2022

Politicians love us to share things: share the road, share the zone, share the path. The government and councils are creating these spaces everywhere. Why? Because they are cheap. Instead of building dedicated and separated footpaths and bike paths, they use existing ageing, unsafe, poorly maintained footpaths, erect a few signs and boast how they are promoting active transport. But cyclists and pedestrians are generally united: we don't want to share. We want our own safe spaces.

What the government does not tell you is that the speed limit on a shared path is the same as the adjacent road. While pedestrians have absolute right of way on shared paths, the bicycle laws are seldom enforced, the penalties are farcical and the paths rarely comply with the Austroads guidelines. It's anarchy on steroids and road safety with fingers crossed.

The speed limit on the shared path next to the Bradfield Highway, on the southern approach to the Harbour Bridge, is 70 km/h. Close to 2000 cyclists a day share this path with children as young as five on their way to Fort Street Public School. Desperate pleas by the school's parents' and citizens' association for over a decade have fallen on deaf ears, while the government is looking at spending millions of dollars on a bicycle ramp on the north side.

THE SYDNEY MORNING HERALD FRIDAY, JUNE 24, 2022

24

Opinion

Send your letters to
letters@smh.com.au

Slowly does it

Bravo Harold Scruby ("It's time to put the foot back in footpath" June 23). I am a cyclist but find it alarming to be confronted with speeding cyclists and scooters while I am walking in shared zones. It shocks me to read that speed limits in these areas are the same as for the nearby roads. I agree that a speed limit of 10 km/h in shared zones should be legislated and enforced, unless otherwise signposted. Lives are at stake.

Ross Mewton, North Bondi

Walkers put the boots in

Ian Royall

E-scooter hazards generate 1000 gripes

More than 1000 complaints have been made this year about e-scooters clogging up city footpaths, with new photos showing the hazards facing pedestrians.

Data from reporting app Snap Send Solve showed a steady increase in the number of gripes since the rental electric-powered two-wheelers hit central Melbourne almost two years ago.

Complaints were so common the app had to set up a separate category for people wanting to gripe about scooters.

Snap Send Solve chief executive Danny Gorog said the number of e-scooter reports was up 30 per cent already this year.

"We've had a few in the

(Yarra) river and they're just everywhere," he said.

"Overseas I've used e-scooters in European cities and you can only get off them in certain areas, like docking zones."

The controversial trial of the hire scooters in the inner-city municipalities of Melbourne, Yarra and Port Phillip began in late 2021.

In October it was announced that the trial would continue for at least six months.

The state government said it wanted more data from the two operators, Neuron and Lime.

An earlier trial extension, in May, also involved new road rules for users.

The two companies say com-

pliance is high but e-scooters are still left in dangerous locations, and some riders are doubling up or not using the helmets provided.

Hospitals report high numbers of scooter riders presenting with impact injuries.

The new statistics come as it was confirmed that a complaint against Yarra Council by a disability advocate over blocked footpaths is headed to VCAT this month.

Shane Hryhorec, managing director of Push Mobility, said the rights of people with disabilities were compromised by cluttered footpaths and blocked entrances.

Mr Hryhorec said he be-

lieved the number of badly parked e-scooters was higher than the Snap Send Solve reports suggested.

"A lot of people have just given up reporting because nothing actually happens," he said. "There doesn't seem to be any reaction."

A Neuron spokesman said Melburnians had embraced its e-scooters.

"Melbourne is one of the busiest cities worldwide for e-scooters with over three million trips and over 5.5 million kilometres travelled on Neuron," he said.

"Feedback has been extremely positive and the vast majority of people ride respon-

sibly, with over 99.99 per cent of trips ending safely and without incident."

The company said its parking assistant technology improved parking compliance in parts of Melbourne with designated parking stations.

It took parking compliance seriously, and was educating users to park in the safest and most considerate way.

Victoria Walks executive officer Ben Rossiter said talk of improving the parking of the e-scooters had produced no noticeable difference.

"They're everywhere where they shouldn't be. You just have to walk around the CBD and they're all over the place



Badly parked e-scooters.

and a real hazard especially for the elderly and people with impaired vision," Dr Rossiter said.

"They're making the city not a pleasant place to walk around. We have this ridiculous situation where e-scooters must park on footpaths, which means most are illegally ridden on them to park."

ian.royall@news.com.au



Pyrmont Bridge Sydney

All Share – No Responsibility

Fluoro clad men with Darth Vader sticks pretending to enforce the law

Arrogant, rude and dangerous

Minister's plan to curb pushbike riders

ALICIA WOOD

ROADS Minister Duncan Gay has accused cyclists of lacking common sense after an audit found many riders were ignoring pedestrian safety on a busy city bridge.

"We've been appealing to their sensible nature, but nothing appears to change," Mr Gay said.

"That's why I've asked RMS to look at the possibility of a licencing system for cyclists."

Mr Gay's comments come after The Daily Telegraph revealed a Sydney Harbour Foreshore Authority audit, obtained by the Pedestrian Council of Australia, showed pedestrians were being put at risk on the Pyrmont Bridge shared pathway, with cyclists flouting the 10km/h limit.

The audit clocked cyclists at speeds from 16km/h to 35km/h.

Austrroads guidelines state that shared pathways should be used only when "pedestrian demand is low", there is an



Cyclists on Pyrmont Bridge.

alternative path and bicycle speeds are under 20km/h.

However, Department of Planning data shows pedestrians account for more than 90 per cent of trips across Pyrmont Bridge.

Pedestrian Council of Australia CEO Harold Scruby said Pyrmont Bridge was clearly not within accepted guidelines for shared pathways. "There's not a politician in this country prepared to take on the bicycle lobby," Mr Scruby said.

"Austrroads Guidelines are

clear, they must not be declared a shared path if there are more than 10 users per hour. They must not be declared a shared path if any cyclists are expected to exceed 20km/h."

Mr Scruby, who has asked the government to consider forcing cyclists to dismount before crossing the bridge, said pedestrians risked serious injury or even death if they were hit by a speeding cyclist.

If cyclists were to continue to ride across the bridge, Mr Scruby said there should be better enforcement of the speed limit.

The SHFA audit was taken during the morning and afternoon peak over five days, with the lowest average speed over the period at 23km/h and the highest average speed 27km/h.

Civil liability barrister James Sheller said pedestrians who are injured by cyclists would find it difficult to claim for physical damage because there is no compulsory insurance scheme for cyclists.



Pyrmont Bridge: This is the only Shared Path in NSW where there's an enforceable Speed Limit of 10 km/h. A study in 2014, by SHFA, found that the "lowest average speed was 23 km/h and the highest was 27 km/h.

To our knowledge, to date, not one cyclist has been booked for speeding.





Enforceable Speed Limits in Australia are in steps of 10 km/h – they must end in Zero – and be within a red circle (an annulus).

Advisory Speed limits are in steps of 10 km/h and end in 5 - they are in black on a yellow background.



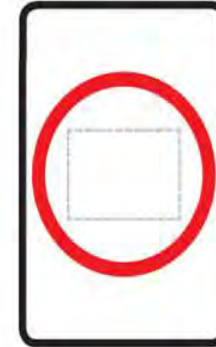
2.1.1 Speed limits and speed zones

A speed limit is the number shown on the regulatory speed limit sign (Figure 2.1) within the red circle (annulus) and defines the maximum legal speed permitted along a specific section of road under good road and travel conditions. The *Road Transport (Safety and Traffic Management) Act, 1999* authorises the RTA to set the speed limits on NSW roads through traffic regulations. The RTA has not delegated this authority to any other agency and is therefore responsible for setting speed limits on all roads – State, regional and local.

A speed limit, displayed by the regulatory speed limit sign, is legally enforceable under the NSW Road Rules. According to NSW Road Rule 20, a driver must not drive at a speed over the speed limit applying to the driver for the length of road.

A speed zone is a length of road over which a particular speed limit applies. Speed zones are signposted to clearly define where the speed limit applies, with signs at the start, reminder signs within the zone (if required) and signs at the end showing the speed limit of the next zone.

FIGURE 2.1 REGULATORY SPEED LIMIT SIGN (R4-1)



Other types of speed limit signs are Advisory Speed Limits (W8-2 on yellow background) and Speed Restriction Ahead sign (G9-79 with black circle); see Figure 2.2 and Figure 2.3. They are not legal speed limits and are used to inform motorists of forthcoming changes in alignment and speed limits. For more information, see Section 2.2.7 and 3.3.3 (b), respectively.

All regulatory speed limits are in steps of 10 km/h, always ending in 0. All advisory speed limits are in steps of 10, always ending in 5.

FIGURE 2.2 ADVISORY SPEED LIMIT SIGN (G9-79)



ENFORCEMENT AND PENALTIES

**LET'S BE HONEST -
ACROSS AUSTRALIA
THEY ARE A JOKE**

It's enough to make Monty Python blush

ENFORCEMENT

MOTORISED WHEELED DEVICES



Devices such as electric scooters, skateboards,
and hoverboards are **ILLEGAL** in NSW.

Although a motorised scooter, skateboard, or hoverboard (electric or petrol powered) are considered motor vehicles, they do not satisfy the Australian Design Rules and for this reason, cannot be registered in NSW and are unable to be insured.

These devices cannot be ridden on roads,
or road related areas (such as footpaths shared
paths and cycleways) in NSW, except on private land.



**Anyone caught riding a motorised device on a road or road
related area in NSW can face fines starting from \$704**

Further information is available at roadsafety.transport.nsw.gov.au



MOTORISED BICYCLES

'E-Bikes'



Some electric motorised bicycles known as 'e-bikes' are **LEGAL** to ride in public in NSW if they comply with certain **CONDITIONS**.



There are only two types of **permitted e-bikes**:

- **Power-assisted pedal cycles**
- **Electric power-assisted cycles**

BUT they must be designed to be propelled primarily by the rider. They **cannot be propelled exclusively by the motor** and **cannot exceed 25km/h**.

Bicycles powered by electric motors are intended only to assist when riding uphill or into a headwind, NOT to be the primary source of propulsion.

Electric powered bicycles which don't comply with these conditions **cannot be ridden on roads, or road related areas (such as footpaths shared paths and cycleways) in NSW, except on private land**.

Anyone caught riding an illegal electric powered bicycle on a road or road-related area in NSW can face fines starting from \$704.

Further information is available at roadsafety.transport.nsw.gov.au



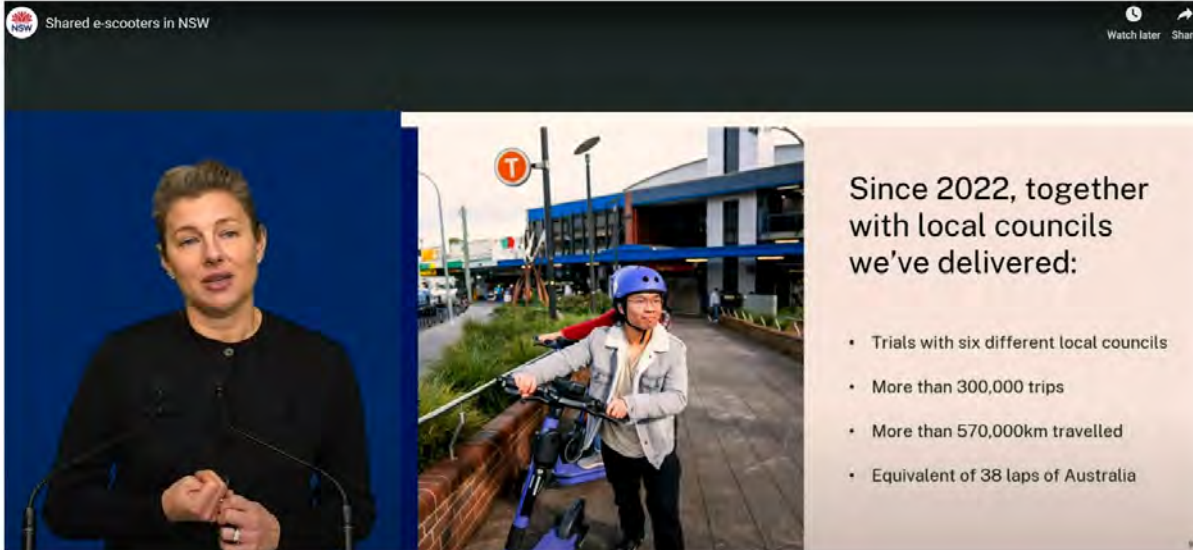
We requested a GIPA (FoI) from NSW Police recently. We wanted to know how many e-Rideable riders had been booked for riding unregistered/uninsured motor-vehicles, especially considering that private e-Scooters are banned in public places in NSW and so many e-Bicycle riders are souping up their vehicles. The reply was (quote):

23 July 2024 - Our Ref: REV-2024-0596390 - Government Information (Public Access) Act 2009 (NSW) - Internal Review Notice of Decision DW. - I have decided under section 58(1)(b) of the GIPA Act, that the information is not held by this agency. Statistical Services advised that it cannot provide an answer for those items because e-rideable vehicles are not extractable vehicle types in EDW. Additionally, Statistical Services also advised that it is unable to identify offences that cater specifically to e-rideable vehicles for the types of categories you have requested, for example, offences specifically for unregistered and uninsured e-rideable vehicles.

In simple terms, there's no data available because there are no Law Part Codes which differentiate between these e-Rideables and ordinary motor-vehicles. So in spite of tens of thousands of illegal private e-Scooters and souped up e-Bikes being ridden in NSW, there's no way of knowing if there's been any enforcement.

Now watch the TfNSW video and listen for the word “Enforcement”:

<https://www.transport.nsw.gov.au/projects/current-projects/nsw-shared-e-scooter-trial-program>




Shared e-scooters in NSW

Watch later Share

Since 2022, together with local councils we've delivered:

- Trials with six different local councils
- More than 300,000 trips
- More than 570,000km travelled
- Equivalent of 38 laps of Australia



Independent evaluation scope

University of Sydney: Institute of Transport and Logistics Studies (ITLS) engaged to undertake an evaluation of the NSW Shared E-scooter Trials.

Data contained in this presentation is largely from May 2024, unless marked otherwise.

3 focus sites	3 focus areas	5 key methods
<ul style="list-style-type: none">• Wollongong: largest site by trip volume and size• Kogarah: metropolitan site• Armidale: regional site	<ul style="list-style-type: none">• Community perceptions• Demand• Safety incidents	<ul style="list-style-type: none">• Surveys of trial participants.• Focus group discussions with non-riders living in trial areas.• Local stakeholder interviews.• Non-local interviews to gather insights from stakeholders and experts regarding shared e-scooters.• Trip and incident data from participating operators.

Results from our GIPA (FoI – copy attached) for e-Scooter penalties

300,00 trips, 570,000 kms travelled, equivalent of 38 laps of

Offence Description	2020-2021		2021-2022		2022-2023		2023-2024		Total Number	Total Value
	Number	Value	Number	Value	Number	Value	Number	Value		
Ride electric scooter at speed greater than speed limit sign										
Ride electric scooter carry another person/animal										
Ride electric scooter greater than 20 km/hr on road										
Ride electric scooter not have working bell/horn etc										
Ride electric scooter not wear approved bicycle helmet securely fitted and fastened										
Ride electric scooter on bicycle path etc not keep to left of oncoming riders										
Ride electric scooter on footpath										
Ride electric scooter on road not in single file										
Ride electric scooter on road not in specified area										
Ride electric scooter on road on which the ordinary speed limit is greater than 50 km/hr										
Ride electric scooter on shared path greater than 10 km/hr										
Ride electric scooter on shared path not give way to pedestrian										
Ride electric scooter on shared path not keep left of path										
Ride electric scooter on shared path not sufficient distance from pedestrian					1	\$ 120	1	\$ 129	2	\$ 249
Ride on bicycle that is being towed										
Ride or push a bicycle not on a cycleway or designated path										
Ride or push bicycle in unauthorised area of public domain										
Ride rollerblades/bicycle etc not wear protective helmet on Trust land										
Ride rollerblades/bicycle etc not wear protective helmet on trust lands										
Ride rollerblades/cycle/horse/scooter/skateboard without helmet										
Ride/use skate board etc in pedestrian traffic only area										
Ride/use skate board/bicycle/scooter/other means of conveyance on/in pedestrian traffic only area										
Rider carry passenger without approved helmet fitted etc										
Rider not wear approved bicycle helmet/fitted/fastened	3,836	\$ 1,338,764	4,293	\$ 1,511,136	3,730	\$ 1,350,260	3,330	\$ 1,270,360	15,189	\$ 5,470,520
Rider of electric scooter not at least 16 years of age										
Grand Total	7,060	\$ 1,881,630	7,610	\$ 2,093,823	6,704	\$ 1,887,675	6,141	\$ 1,820,632	27,515	\$ 7,683,760

And helmet penalties are 55% of total penalties in number and 71% in \$ value.

Two, repeat, two Penalty notices issued since the trial began two years ago -

Results of our GIPA (FoI) Bicycles and e-Scooter Penalties issues for the 4 years 2021 to 2024 – see attached for details

Offence Description	2020-2021		2021-2022		2022-2023		2023-2024		Total Number	Total Value
	Number	Value	Number	Value	Number	Value	Number	Value		
Bicycle rider not give way to pedestrian on crossing	3	\$ 1,392	2	\$ 938	4	\$ 1,924	5	\$ 2,537	14	\$ 6,791
Bicycle rider cross road on childrens/pedestrian crossing	10	\$ 1,160	17	\$ 1,989	12	\$ 1,440	10	\$ 1,263	49	\$ 5,852
Bicycle rider cross road on marked foot crossing	18	\$ 2,088	25	\$ 2,925	13	\$ 1,560	15	\$ 1,908	71	\$ 8,481
Bicycle rider not give way to pedestrian on crossing	3	\$ 1,392	2	\$ 938	4	\$ 1,924	5	\$ 2,537	14	\$ 6,791
Ride bicycle on footpath (12 yrs or older)										
Ride bicycle on footpath (16 years or older)	1,231	\$ 142,796	1,118	\$ 130,806	1,015	\$ 121,800	966	\$ 123,129	4,330	\$ 518,531
Ride bicycle on pedestrian part of separated footpath	4	\$ 464	11	\$ 1,287	9	\$ 1,080	6	\$ 747	30	\$ 3,578
Bicycle rider cross road on childrens/pedestrian crossing	10	\$ 1,160	17	\$ 1,989	12	\$ 1,440	10	\$ 1,263	49	\$ 5,852
Bicycle rider cross road on marked foot crossing	18	\$ 2,088	25	\$ 2,925	13	\$ 1,560	15	\$ 1,908	71	\$ 8,481

Cyclists are required to dismount on pedestrian crossings. When was the last time we ever saw a cyclist dismount on a Pedestrian Crossing, in particular, Food Delivery Riders?

Yet only 120 Penalty Notices were issued in four years – one every twelve days, repeat, one every twelve days, in all of NSW

Cyclists (16 years old and over) are not permitted to ride on footpaths

Cyclists are required to dismount on pedestrian crossings. When was the last time we ever saw a cyclist dismount on a Pedestrian Crossing, in particular, Food Delivery Riders?

Yet only 120 Penalty Notices were issued in four years – one every twelve days, repeat, one every twelve days, in all of NSW

Cyclists (16 years old and over) are not permitted to ride on footpaths

Ride bicycle on footpath (12 yrs or older)							
Ride bicycle on footpath (16 years or older)	1,231	\$ 142,796	1,118	\$ 130,806	1,015	\$ 121,800	966 \$ 123,129
Ride bicycle on pedestrian part of separated footpath	4	\$ 464	11	\$ 1,287	9	\$ 1,080	6 \$ 747
							30 \$ 3,578

While fewer than 1,000 penalty notices were issued for this offence in four years in all of NSW, for riding on a footpath (police cannot fine or warn children under 16 for this offence), over 15,000 penalty notices were issued for helmet offences. Again, we all see dozens of cyclists riding on footpaths every day

Rider not wear approved bicycle helmet/fitted/fastened	3,836	\$ 1,338,764	4,293	\$ 1,511,136	3,730	\$ 1,350,260	3,330 \$ 1,270,360	15,189	\$ 5,470,520
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There are numerous examples in this GIPA (FoI) which prove that NSW Police simply lack the resources or the inclination to enforce the bicycle laws, especially when they relate to pedestrian safety.

Cyclists have become a Protected Species.

The NSW Legislative Council Committee has a responsibility to ensure the issue of Enforcement is a primary consideration and consider whether Council Rangers can assist in enforcement, before any decisions on e-Anythings can be determined.



Risk of punishment

633 fines issued from 1 Nov 2022-31 Jan 2023 (QPS)

5,300 daily trips shared e-scooters (BCC) x 40% unhelmeted

Approx. 1 fine per 310 unhelmeted rides

KEEPING UP APPEARANCES



ACROSS AUSTRALIA, MOST E-SCOOTER
PENALTIES ISSUED ARE FOR HELMET
OFFENCES

IT'S ALL ABOUT THE SAFETY OF THE E-
SCOOTER RIDERS

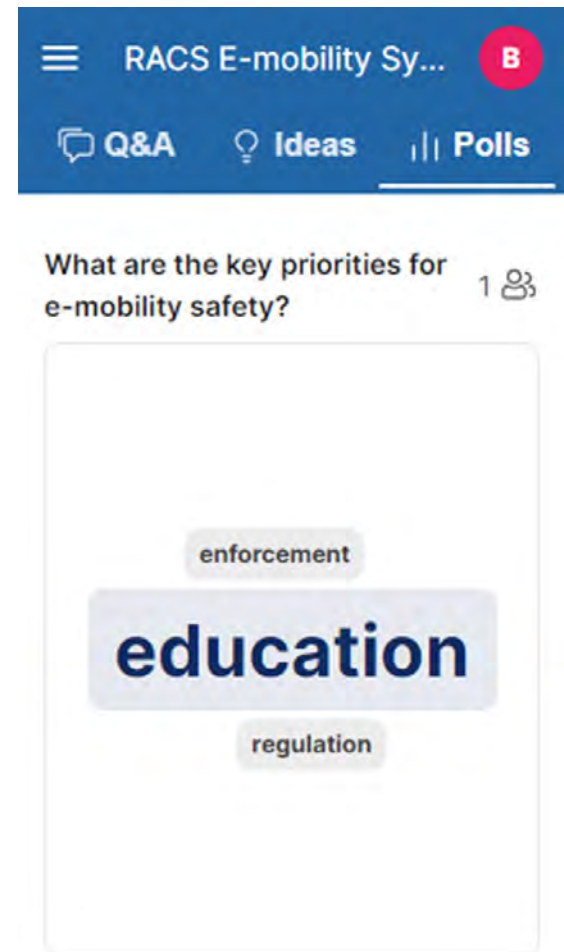
AND PEDESRTIANS BE DAMNED

Why do Politicians and Bureaucrats always put ENFORCEMENT last?

The most efficient way of EDUCATING people who flout the law is to ENFORCE the law and penalise them. It's an ancient and proven system.

That way, the law-abiding public does not have to pay for expensive EDUCATION campaigns.

But there is national political GROUPTHINK that ENFORCEMENT loses votes.



NON-ENFORCEMENT OF THE LAW ENCOURAGES ITS DISOBEDIENCE

**And that's the main reason E-Scooters and
E-Rideables are literally –**

OUT-OF-CONTROL

E-SCOOTER PENALTIES ACROSS AUSTRALIA ARE FARCICAL AND DO NOT REFLECT THE POTENTIAL FOR HARM



For instance, why are the E-Scooter penalties for speeding, doubling and riding on the footpath in NSW less than one third of the penalty for not wearing a helmet?

In a crash with a pedestrian, a rider wearing a helmet has far greater protection. Yet most of the penalties throughout Australia are about protecting the rider.

And most of the penalties which protect pedestrians are the same as parking meter penalties, where there is no potential for harm.

E-scooter offences that may apply

**NOTE: MAY
APPLY – NOT
WILL APPLY**

Offence	Fine
Ride a privately owned e-scooter on road or related area	Penalties may apply for being an unregistered, uninsured and unlicensed motor vehicle
Ride an e-scooter hired through a share scheme outside trial area	\$120
Ride on road with speed limit over 50 km/h	\$120
Ride on footpath	\$120
Ride an e-scooter not in single file on roads	\$120
Ride e-scooter whilst under minimum age of 16 years	\$120
Exceed maximum operating speed limit of 20km/h	\$120
Carry passengers	\$120
Riding whilst under the influence of alcohol	The same penalties that apply to motorists apply to e-scooter riders during the trial. Find drink driving penalties on the NSW Government website  .
Riding whilst under the influence of a drug (other than alcohol)	The same penalties that apply to motorists apply to e-scooter riders during the trial. Find drug driving penalties on the NSW Government website  .
Use mobile phone whilst riding	\$362
Fail to wear helmet	\$362
Ride at night without appropriate lights and reflector	\$120



Pedestrian Council of Australia
The Walking Class



Shared Zones

Shared Paths

A Major Misnomer



Barriers to Walking Shared Paths

(Bicycles and E-Rideables)

All Share – No Responsibility

AUSTRALIAN ROAD RULES

19 October 1999

Division 5 Crossings and shared zones

83 Giving way to pedestrians in a shared zone

A driver driving in a shared zone must give way to any pedestrian in the zone.

Offence provision.

Note 1 Shared zone is defined in rule 24.

Note 2 For this rule, give way means the driver must slow down and, if necessary, stop to avoid a collision — see the definition in the dictionary.

The Australian Road Rules state categorically that when on a Shared Path:

(2) The rider of a bicycle riding on a footpath or shared path must:

(a) keep to the left of the footpath or shared path unless it is impracticable to do so, and

(b) give way to any pedestrian on the footpath or shared path.

Note 2. For sub-rule (2), give way means the rider must slow down and, if necessary, stop to avoid a collision

**In a study conducted in 2008,
over 40% of respondents
believed that motorists and
pedestrians have equal rights
in Shared Zones.**

Macquarie Dictionary

share¹

/ (say shair)

--*verb (t)*

3. to divide and distribute in shares; apportion.

4. to use, participate in, enjoy, etc., jointly.

--*verb (i)*

5. (sometimes followed by *in*) to have a share or part; take part.

--*phrase*

6. share and share alike, to divide things or benefits equally.

[Middle English; Old English *scearu* cutting, division. See [shear](#) (verb)]

--**sharer**, *noun*



Shared Zones

Double Jeopardy: Apart from the confusing name, the Australian Standards logo features a young girl running away from a futuristic driverless car.

**Where there's confusion, there's
Potential for Harm.**

**And when over 40% of Road-Users
don't know that Pedestrians have
Absolute Right of Way in a Shared
Zone ... there's very serious Potential
for Harm.**



IN SHARED ZONES PEDESTRIANS HAVE

ABSOLUTE RIGHT OF WAY.

Shared Zones are being introduced throughout Australia where there is a high level of pedestrian activity, yet the need to allow motor vehicle access.

Hardern Place (adjoining Bridgepoint) is a Shared Zone. The speed limit is 10 kilometres per hour.

Research suggests that very few people are aware of their obligations in Shared Zones.

The RTA, Motor Accidents Authority of NSW, Mosman Council, Berny's Retravision, Franklins, Harris Farm Markets, OPSM and the Pedestrian Council of Australia have sponsored this awareness campaign in order to educate motorists and pedestrians alike of their rights and obligations in Shared Zones.

Please, obey the speed limit and GIVE WAY to pedestrians in Shared Zones.



PEDESTRIAN COUNCIL
OF AUSTRALIA

In 1998, the CE of the RTA supported our campaign and agreed there was merit in changing the name of “Shared Zone” to one which conveys to drivers the priority which pedestrians have in those zones.

To: Chief Executive
From: Director, Road Safety and Traffic Management
Subject: Various Issues raised by the Pedestrian Council of Australia - Update for meeting scheduled for 5/6/98.
Date: 4/6/98

Briefing notes are provided regarding various issues raised by the Pedestrian Council of Australia (PCA).

Issue 13:

Pedestrian right of way in Council car parks and removal of shared zones.

Comment:

Council car parks are defined under the *Traffic Act* and *Motor Traffic Regulations* as “public streets”. That is, all of the regulations which apply to road users on roads also apply in car parks.

The most effective way of providing pedestrian priority in car parks is to make the car park a *Shared Zone*. AUSTROADS says, “*The most common uses of shared zones are in commercial, tourist and heritage areas.....Shared Zones can also be used to advantage in typically mixed use areas, such as parking areas, college and university campuses and caravan parks. The designation of these areas as shared traffic zones, by the necessary signs in addition to speed reduction techniques, where necessary, will provide pedestrians with a legal environment more in keeping with community expectations in these areas*” (AUSTROADS Guide to Traffic Engineering Practice - Part 13, p70).

The basic premise of a ‘shared zone’ is that pedestrians have equal rights with motor vehicles to use the road space. Motor vehicles can use ‘shared zones’, but at a greatly reduced speed of 10 km/h which does not present a safety hazard to pedestrians and are obliged to avoid colliding with pedestrians. Whilst continuing to provide vehicular access to properties and on-street parking, the street can be redesigned to be safer, quieter and more aesthetically attractive.

There are a number of shared zones currently successfully operating around the State. Due to the benefits to pedestrians and other vulnerable road users, the RTA does not intend to remove these shared zones. However, there may be some merit in investigating the potential for changing the name of “Shared Zones” to one which conveys to drivers the priority which pedestrians have in those zones.

The RTA tried three times to get the name Shared Zone changed to Pedestrian Priority Zone, without success.

But the CE confirmed the maximum speed must remain at 10 km/h because it represents the walking speed of pedestrians (85th percentile speed of 4.3 km/h)

Our Reference: CE03/1694
97M2618

15 JUL 2003

Mr Harold Scruby
Chairman/CEO
Pedestrian Council of Australia Limited
PO Box 500
NEUTRAL BAY NSW 2089

Dear Harold

Thank you for your electronic mail message dated 19 June, 2003 regarding *Shared Zones*.

For the third time, the RTA raised the issue of renaming *Shared Zones* to *Pedestrian Priority Zones* or *Pedestrian Zones* with the Australian Road Rules (ARR) Maintenance Group at its meeting on 3 July, 2003. However, all States, with the exception of NSW, voted against the change of name to *Pedestrian Priority Zone* on the basis that the ARR do not refer anywhere to anyone or any thing having 'priority'. The Maintenance Group rejected the proposal to change the name of *Shared Zones* to *Pedestrian Zones* on the basis of roads generally being for vehicles, where as in a *Shared Zone*, a driver must share the space with pedestrians and give way to any pedestrian in the zone. Additionally, the Group felt that the term *Pedestrian Zone* would indicate that the area was for pedestrians only and that drivers should not drive in such a zone. The Group further reinforced that the erection of *Give Way to Pedestrians* supplementary plates in conjunction with *Shared Zone* signs reinforces a driver's obligation to give way to pedestrians in a *Shared Zone*.

It would not be appropriate for the RTA to change the name of *Shared Zones* in the absence of a national approach to the issue. The RTA will continue to erect *Give Way to Pedestrians* supplementary plates in conjunction with *Shared Zone* signs.

As stated in previous correspondence, as vehicle speeds increase, the risk of serious injury or death to pedestrians involved in a collision with vehicles increases. In order to minimise the risk to pedestrians in *Shared Zones*, the RTA has mandated that a speed limit of 10 km/h will apply. This speed closely represents the walking speed of pedestrians (85th percentile speed of 4.3 km/h) in contrast to a speed limit of 20 km/h. A speed limit of 20 km/h in a *Shared Zone* would introduce a difference five times in magnitude in 85th percentile speed between vehicles and pedestrians.

Once again, I appreciate your comments on vehicle speedometers. However, in the interest of pedestrian safety and amenity, the RTA does not support the introduction of speed limits higher than 10 km/h for *Shared Zones*.

The allocation of demerit points and an increase in the penalty to drivers who fail to give way to pedestrians in a *Shared Zone* is being considered as part of the current review of traffic penalties.

Yours sincerely,

Paul Forward
Chief Executive



Roads and Traffic
Authority
www.rta.nsw.gov.au
ABN 64 480 155 255
Centennial Plaza
260 Elizabeth Street
Surry Hills NSW 2010
Telephone (02) 9218 6209
Facsimile (02) 9218 6693
PO Box K198
Haymarket NSW 1238
DK 13 Sydney

QUICK QUIZ:

What is the Speed Limit on Shared Paths in Australia (if not sign-posted)?

ANSWER:

It's the same as the adjacent road.



This is the busiest Shared Path in NSW, connecting North and South Sydney across the Harbour Bridge. Children are forced to walk here to School where the speed limit on the footpath is ...





Pedestrian Council of Australia

The Walking Class



Channel 10 News - Fort Street Primary School - Cyclists - Shared Path 130919

Watch the video from September 2013 and realise nothing has changed ...

<https://www.youtube.com/watch?v=oltvTip-TLY>



Pedestrian Council of Australia

The Walking Class



<https://www.youtube.com/watch?v=oltvTip-TLY>

The Sydney Morning Herald

‘It shouldn’t take a kid to be killed’: Warning over bridge cycleway choke point



Nigel Gladstone

April 2, 2024 – 5.00am

**PEDESTRIAN CONTEMPT:
Thirteen years later and nothing has
changed except the date**



Cyclists must pass students and parents approaching the entrance to Fort Street Public School on a steep ramp after crossing the Harbour Bridge. KATE GERAGHTY

Shared path sign



End no bicycles sign



All Share – No Responsibility

These are the lawful signs required by the Australian Road Rules



THE GOOD NEWS

At a Transport for NSW Masterplan meeting held in Sydney on 20 Sept 2012, the President of Bicycle NSW, Alex Unwin, stated that **“Shared Paths should be a maximum speed of 10 km/h”**

In 2002, Mrs Maria Guliano was struck on a Shared Path in Balmain (Sydney). She was permanently brain damaged and required a full-time carer. The cyclist left the scene. An expert witness testified that the cyclist was travelling at less than 20 km/h. It took her husband 6 years in court to sue the RTA and Leichhardt Council. They finally settled out of court.

Read the Slater & Gordon advice:

<https://www.walk.com.au/pedestriancouncil/page.asp?PageID=3125&SiteID=1>

(QUOTE): I am therefore of the opinion that local government road authorities may be found to be in breach of duty of care for failing to impose safe speed limits for bicyclists on Shared Bicycle Paths although any such finding of breach of duty of care must necessarily depend upon the particular facts of the case before the Court.

There is no insurance for pedestrians hit by cyclists or most E-Rideables on Footpaths & Shared Paths.



**ANZAC Bridge (West) – Shared Path
Sydney**



JORDAN BAKER

The Sunday Telegraph - 16 December 2012

”CYCLISTS are clocking speeds of up to 47km/h on paths shared with pedestrians, and walkers are terrified. ... Most were travelling between 30km/h and 40km/h, but more than a dozen clocked more than 40km/h and the fastest flew past at 47km/h.”

Watch the video:

www.youtube.com/watch?v=fZBHrKZGixE

Question:

How are blind people to know they are on a Shared Path?

How are people who are deaf expected to know there are cyclists behind them ringing their bells (as instructed by many authorities)?

**People who are blind can't
drive.**

**They must use the footpath to
reach public transport and/or
their destination.**

This is clearly discriminatory:

**The PCA intends taking these
very serious issues of
discrimination to the Human
Rights and Equal
Opportunities Commission.**

MICROMOBILITY SOLUTIONS:

**EVERY E-RIDEABLE
(ANYTHING WITH A
MOTOR) MUST COME
UNDER THE ONE LEGAL
DEFINITION**

MOTORISTS ARE AUTOMATICALLY IN THE WRONG IF A CYCLIST HITS THEIR VEHICLE WHILE CROSSING A SHARED PATH

The issue here is that because the speed limit on the shared path is the same as the adjacent road and because motorists must give way to cyclists on Shared Paths, it's almost impossible to reverse safely out of a driveway.

If there was a catastrophic injury or even a death, the motorist could be charged with negligent driving causing grievous bodily harm or death.

This is another reason the default speed limit on a Shared Path (all paths in states such as Queensland) must be 10 km/h.



Watch this video and be convinced:

<https://www.youtube.com/watch?v=wdlMmDAY9Aw>



In New Zealand they correctly and sensibly call Shared Paths “Pedestrian Priority” zones. “The misnomer, “Shared” creates the impression of equal rights, not pedestrian priority.

Recommendation:

That there be an urgent and independent inquiry into Shared Paths by the Federal Dept of Infrastructure to consider:

the name, the logo, a mandatory default speed limit of 10 km/h, insurance, risk assessment, enforcement, identification of cyclists, penalties etc..

A WARNING TO ALL COUNCILS AND GOVERNMENTS

The courts are now proving that Councils must be very careful to comply with the Austroads Guidelines when proclaiming Shared Paths.

Once proclaimed, they have a Duty of Care to maintain them.

Unlike pedestrians, cyclists require a far smoother, regularly maintained , well lit, shared path, if injuries are to be avoided.

Over time, they will also be required to ensure the laws are vigorously enforced.

With a rapidly ageing population, Councils must be reminded that the greatest cause of death for people over 50 is from a fall.

SOLUTIONS:

**WE MUST ADOPT MOST OF THE
RECOMMENDATIONS OF THE NSW
E-SCOOTER COMMITTEE**

FUTURE DIRECTIONS

PUT PEDSTRIANS FIRST

Any E-Rideable (a micromobility vehicle – including bicycles - with a motor)

A current driver's licence – minimum age 17

Maximum weights – to be determined – current pedelec regs to apply

A maximum output of 300 watts

An approved helmet

No riding on any footpaths or pedestrian crossings throughout Australia

A national default speed limit of 10 km/h on Shared Paths unless otherwise sign-posted

On-the-Spot drunk and drug testing

Penalties which reflect the potential for harm, particularly to pedestrians

Third party insurance (up to \$20 million)

Number-plates (as in many overseas jurisdictions)

The Commonwealth
Government must ban the
importation of all E-
Rideables which do not
meet the Australian
regulations



Pedestrian Council of Australia

The Walking Class



Let's remove "Shared" from the Road Safety lexicon.

Let's

DEDICATE

&

SEPARATE



Pedestrian Council of Australia

The Walking Class Heroes



walk.com.au