

**Submission
No 146**

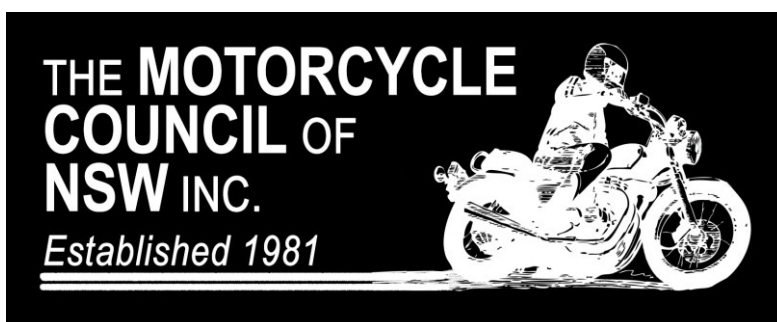
INQUIRY INTO USE OF E-SCOOTERS, E-BIKES AND RELATED MOBILITY OPTIONS

Organisation: Motorcycle Council of NSW

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Inquiry into the use of e-scooters, e-bikes and related mobility options

August 2024



Submission to:-
Portfolio Committee No. 6
Transport and the Arts

The Motorcycle Council of NSW

About The Motorcycle Council of NSW

The Motorcycle Council of NSW Inc. (MCC) is an internationally recognised umbrella group for motorcycle clubs, associations and ride groups in the state of New South Wales, advocating for more than 70 motorcycle clubs and encompassing a collective membership exceeding 42,000 motorcyclists.

Established in 1981, the MCC is recognised as the peak motorcycle representative body in NSW and Subject Matter Experts on many complex issues dealing with motorcycling including crash data, crash statistics, traffic data and congestion information.

The MCC has published documentation that has been referenced worldwide by overseas motorcycling and traffic bodies and has produced video training videos that have been utilised and referred to by many overseas trainers, researchers and ride associations. These videos were funded by the NSW Government and the MCC.

We wish to thank the Portfolio Committee No. 6 Transport and the Arts for the opportunity to present this submission and the views of our member clubs to this inquiry.

Should you require clarification of the information contained within this submission please contact the MCC.

Brian Wood

Secretary

Initial comments:-

The Motorcycle Council of NSW (MCC) recommends that the Committee define what is meant by the terms 'e-bike', 'e-scooter' and 'other mobility options' for the purposes of this inquiry. A definition is also needed for devices that are motorised toys as opposed to e-mobility devices, an e-mobility device being one that is suitable for use as a mode of transport.

Definitions will assist in quantifying what are the benefits of each of these new modes of transport and how each can be best regulated.

There is already provision in the NSW legislation for power assisted bicycles. Some currently available e-bikes fit within this definition but many don't as they are either too powerful or too fast.

Some within the community view those e-bikes that are either too powerful or too fast to be classified as a power assisted bicycle to be a motorcycle. A view the MCC does not hold as it believes a motorcycle is a vehicle as defined in the Australasian College of Road Safety's (ACRS) Policy Position Statement on Motorcycle Safety, which is:-

"... 'motorcycles' are defined as motor-operated two or three-wheeled vehicles powered by either combustion engine or rechargeable batteries and requiring registration for use on a public road or road-related area and an appropriate operator licence to use."

Therefore, the MCC recommends that the Committee should define:-

1/ an e-bike as not being a motorcycle, as defined by the ACRS, and not a power assisted bicycle as defined in the Transport for NSW publication "Bikes, e-bikes and e-scooters" published 9/2023.

2/ an e-scooter as defined in Model Australian Road Rule 244A.

Devices that are determined to be suitable for use as a mode of transport need to be covered by the Compulsory Third Party Scheme (CTP) so that a third party, injured in a collision with one of these devices, has access to compensation.

Currently bicyclists, riders of power assisted bicycles and pedestrians have access to compensation through the CTP scheme if impacted by a registered vehicle even though they don't contribute to the scheme. If riders of e-bikes, e-scooters and other devices are to benefit from the CTP scheme they should either contribute to the scheme or the benefits they derive from the scheme are paid for by the community as a whole rather than the owners of registered vehicles.

Responses to Questions:-

(a) the current and anticipated role of all three levels of government in enabling and encouraging safe electrified active transport options

Response:-

The MCC has discussed with Transport for NSW a number of fatalities recorded in 2023 as involving a motorcycle and whether or not those involved an e-bike and not a motorcycle. TfNSW's response has been that, at the National level, there is no agreed definition on what is an e-bike and until such time

there is, these e-bike fatalities and serious injuries will be recorded as 'motorcycle'. Therefore, the Federal and State Governments need to work together to resolve this issue of what is a motorcycle and what is not so road trauma can be recorded to the correct road user class.

(b) opportunities to reform the regulatory framework to achieve better and safe outcomes for riders and the community

Response:-

The safety of a vehicle is very much dependent on its ability to effectively decelerate and come to a safe stop to avoid a collision with a person, other vehicle or infrastructure. Some e-mobility devices have very limited ability to decelerate so the regulatory framework needs to restrict these devices to situations where they are unlikely to be involved in a collision with a person, other vehicle or infrastructure.

(c) local council, industry and stakeholder perspectives on the utilisation and impact of e-mobility devices in the community

Response:-

As a stakeholder, the MCC is concerned that some sections of the community consider some e-mobility devices to be motorcycles particularly powerful e-bikes and those e-scooters that have a seat.

To be classified as a motorcycle the vehicle has to comply with the Australian Design Rules.

(d) opportunities to improve mobility, the customer experience, safety for users and the community

Response:-

The safety of a vehicle is very much dependent on its ability to effectively decelerate and come to a safe stop to avoid a collision with a person, other vehicle or infrastructure. Currently some e-mobility devices have limited ability to decelerate so as to improve the safety for the user and the community, these devices should be prohibited from use on the road or road related areas.

(e) the potential benefits and risks of existing regulatory and policy settings, including the Roads Act 1993, Road Rules and Road User Space Allocation Policy and other related legislation regarding safety, traffic, and personal convenience

Response:-

Many in the community are unaware that the definition of a 'road' is from the property boundary on one side to the property boundary on the other and therefore a 'road' includes the footpath, nature strip and the area between lanes of a divided road. Also, the road rules and other regulations extend to road related areas such as carparks and areas that are generally accessible to vehicles. Many in the community are unaware that the Road Rules and other regulations apply to footpaths, nature strips, medians and road related areas.

Currently bicyclists, riders of power assisted bicycles and pedestrians have access to compensation through the CTP scheme if impacted by a registered vehicle even though they don't contribute to the scheme. If riders of e-bikes, e-scooters and other devices are to benefit from the CTP scheme, the regulations need to be changed so they either contribute to the scheme or the benefits they derive from the scheme are paid by the community as a whole rather than the owners of registered vehicles. This may require that e-bikes, e-scooters and other permitted mobility devices are registered so they can be identified and have CTP insurance linked to them.

(f) the extent that e-mobility devices have positive community benefits such as encouraging mode shift, relieving congestion, addressing social disadvantage and tourism

Response:-

There is potential for e-mobility devices to have positive community benefits but these need to be weighted against the disadvantages such as the cost of injuries they cause to users and other road users.

(g) opportunities across government to improve outcomes in regard to e-scooters, e-bikes, and related mobility options

Response:-

Change the CTP regulations so the owners of registered vehicles are not supporting those who are not contributing to the scheme but instead those who are not contributing to the scheme are supported by the community as a whole.

Regulation generally lags behind technological change, regulations need to be written so they are technology neutral so they capture future e-mobility devices.

Lithium ion batteries have the potential to have run away fires if damaged or incorrectly recharged. Regulation needs to be introduced to reduce the risk of run away fires, this may include specifying the use of solid state batteries.

(h) best practice in other Australian and international jurisdictions

Response:-

Discussion at the recent Australian Motorcycle Council conference indicated that all Australian State and Territories are experiencing the same issues with e-bike, e-scooter and other mobility options as is NSW, therefore it can be concluded that no Australian jurisdiction can be considered 'best practice'. The MCC is not able to comment if any international jurisdiction can be considered 'best practice'.

(i) the economic analysis of e-mobility contribution to safe transport at night for shift workers and women, to mode shift and to first and last mile transport, and

Response:-

If e-mobility devices are to be used at night they will require effective lighting front and rear.

(j) any other related matters.

Response:-

The MCC doesn't offer a response on any other matter.

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