

**Submission
No 183**

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

Organisation: Owners Corporation Network of Australia Ltd

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The NSW Legislative Council's Portfolio Committee No. 6 – Transport and the Arts

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

On-line submission

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Comments and Questions to the author:

Introduction

OCN welcomes the opportunity to provide input into the inquiry into the use of e-scooters, e-bikes and related mobility options.

The Owners Corporation Network of Australia Limited (OCN) is the independent peak consumer body representing residential strata and community title owners and residents. As such, OCN is uniquely positioned to understand the needs and constraints within this unique housing sector, as well as to advise on the potential impacts that legislation may have on planning, development, and day-to-day operational outcomes. OCN are experts in residential strata, hence our comments relate to what our members are seeking.

OCN strives to create a better future for residential and community living and ownership. We support the transition to resilient, empowered communities living in climate ready, defect-free buildings, including solar, e-mobility and electric vehicle charging.

The Strata sector

Policies of successive governments to accelerate urbanisation and to cater for population growth have driven a significant shift to multi-household developments:

- There are 89,049 strata schemes in NSW of which 50% have been built since 2000¹;
- Over 1.3 million people and 17% of all households live in strata apartments;
- There has been 7% growth in the last two years;
- It is the best option for affordable housing and recent strategies will drive this even harder;
- Total insured value is estimated to be over \$450 billion;
- It employs over 3,200 people and total economic benefit of about \$3 billion per annum;
- Strata schemes in NSW are split 60% city 40% regional;
- 47% of apartments are rented, but tenants have no voting rights.

Strata living is not at all like living in a stand-alone house. It is a community with a co-owned asset. Few people realise that each owner bears unlimited joint and several liability for any damage, injury or death that may occur on all common property. Thus, individual actions can significantly impact other owners and residents physically and financially.

The owners corporation or body corporate is a statutory corporation, responsible for the management of the strata scheme, with unlimited liability and mandatory obligations to manage finances, hold building insurance and strict obligations to carry out repairs and maintenance.

Terms

There are many terms used to describe e-bikes, e-scooters etc.

We note that the Inquiry has adopted the term 'light electric vehicle' to describe e-bikes and e-scooters. OCN prefers not to use this term as there are very significant differences in the regulation of (road registered) electric vehicles, specifically the ADR (Australian Design Rules), which create a very safe and regulated environment for consumers of electric vehicles. This is not the case for e-bikes and e-scooters. We are concerned that using the term 'light electric vehicles' links e-bikes and e-scooters to electric vehicles, with adverse consequences for electric vehicles due to their very different risk profiles, particularly related to lithium-ion battery fire risk.

Other inquiries and requests for submissions have adopted the term 'e-mobility' to describe e-bikes, e-scooters etc, which we prefer to use for the reasons above.

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https://cityfutures.adg.unsw.edu.au/documents/717/2022_Australasian_Strata_Insights_Report.pdf

Case for Change

OCN urges the Inquiry to keep two high-level goals in focus:

1. The overarching priority to create a better, cleaner future that electric vehicles help to provide, and
2. Let the facts, rather than opinion, speak. Our response is supported with detailed analysis by the EV Council (EVC), EV FireSafe and the ACCC .

It is useful to consider point 1 in the context of the impacts of climate change. Just one climate change related event – the 2019-2020 bushfire season – burnt almost 19 million hectares, destroyed over 3,000 houses and killed 33 people. Total economic impact was estimated to be \$4.6 billion reduction in GDP. 2019 is classified as Australia’s warmest year on record.² There were a further 88 people thought to have died from bushfire related illnesses. And this is just one example.

The point of including this reference is to highlight the need to maintain focus on the bigger picture of creating a better, cleaner future that e-mobility helps to provide. Particularly in higher population centres, where apartment living prevails, it is critical we work to ensure these new transport options to reduce congestion and pollution are not restricted or rejected but enabled and embraced.

In respect of point 2, OCN continues to advocate against sensationalist press and biased opinion overstating fire risk associated with lithium batteries. This creates FUD – fear, uncertainty and doubt – amongst apartment owners, making the introduction of these new transport options unnecessarily difficult for our members.

The following table contains some facts relating to fire safety relativities:

FR NSW Report Statistics - Source FR NSW annual reports			
	2020/21	2021/22	2022/23
Total Fires	17703	15803	18712
Structural	5325	4570	5281
Bush Fires	3873	3615	4829
Motor Vehicle	2942	2461	2803 ³
Hazmat			
Hazmat materials	9581	8515	8847
Fuel spill	1184	1032	1003

² Pp 22. https://treasury.gov.au/sites/default/files/2021-05/171663_suncorp_group_ltd_supporting_documents_1.pdf

³ Not reported in FRNSW annual report, but available from FRNSW Open Data.

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The number of household fires are not reported individually, but causes are reported as:

- cooking or cooking appliances (including cookers, ovens, hotplates, grill pans, deep fat fryers, microwaves and toasters)
- electricity supply or other electrical equipment and appliances (including plugs, lighting and cables, washing machines, dishwashers and tumble dryers)

Lithium-ion Battery fires - source ⁴			
	2020/21	2021/22	2022/23
Total		171	285
E-mobility		23	67
Charger device		19	27
Electric Vehicle		4	3

When you consider there are in the order of twice as many lithium-ion battery powered devices in any home, say 4–10 per household (e-mobility, power tools, mobile phones, laptop computers, vacuum cleaners – the list goes on), vs the numbers of cooking and other appliances, say 2 – 4 per household, and the incidence of fire in lithium-ion battery powered devices is less than 5% of all structural fires – you have to answer the questions –

- What is the real lithium-ion battery fire risk?
- Why is that lithium-ion battery fire risk so overstated?

There is a total number of just 7 electric vehicle fires **over 2 years** which receives huge coverage. Compared with:

- the same number (7) as **daily** motor vehicle fires in each of the three years; and
- over 1,000 dangerous fuel spills every year creating further fire risk.

Why is there the extreme focus on lithium-ion battery fires? When the facts say the fire risk is far less than petrol and diesel powered vehicles.

Nevertheless, OCN supports the need for further consumer education and makes the case that it is even more important in apartment living due to the multiplying impact of a building fire. Bad behaviour by just one person can, and does, impact many others. This is an example where apartment living needs to be considered and acted on as a special case.

⁴ <https://cybershack.com.au/consumer-advice/warning-164-lithium-ion-battery-fires-in-6-months-in-nsw-alone/>

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By-laws

By-laws set the rules under which the strata community operate. With respect to e-mobility, there is a wide range of opinion relating to applicable by-laws, often determined by the views of a few influential people who form the strata committee of the various strata schemes. In the instance of e-mobility, this is often reflected in bans of e-mobility devices in their building, which also extends to electric vehicle charging. To fully address the cleaner future previously referred to, this resistance does need to be addressed.

OCN has held, and been involved in, a number of educational webinars on this overall subject, where we communicate the views and approaches included in this submission.

We have developed, and make available through our website, a template by-law aimed at educating and establishing rules relating to:

- Safe charging practices
- Compliant e-bikes and e-scooters
- Internal vs external charging of devices
- Notification/register of e-mobility devices
- Liability

We would welcome a discussion on the application and use of this, or like by-law, as a template by-law for general use by the Government to assist in the process of consumer education.

Storage and Charging

Perhaps the most significant risk to person and property is storage and charging of e-mobility devices internally, often in corridors and fire exit paths, which is a potentially lethal combination in the event of a Li-ion battery fire.

There are battery box or fire safe alternatives available however we are not aware of any associated standards. Medium/Large buildings often have bicycle storage, but to date this has not expanded to include e-mobility devices. We have had enquiries from our members if there are any design guidelines for safe charging, including e-mobility storage and charging rooms.

Properly designed and implemented storage and charging options will go a long way to reducing this risk and, potentially, decreasing ever-growing insurance concerns and premium increases.

Similar to discussion on the use of by-laws, OCN would welcome further discussion on storage and charging safety options, approaches and regulation.

Responses to Terms of Reference

OCN are experts in residential strata, hence our comments relate to what our members are seeking – which in this case is consideration of e-mobility ownership and charging in existing apartment buildings.

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

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

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

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

The most concerning issue with the introduction of e-mobility is the overstated lithium-ion battery fire risk, causing FUD in the strata community. All levels of Government need to understand the stress and confusion the constant focus on this one issue is causing to our members and adversely impacting the introduction of e-mobility in the strata community.

The recent NSW Fair Trading discussion paper on e-mobility regulation, which OCN responded to, and subsequent announcement of new safety standards for lithium-ion batteries, to take effect from Feb 2025⁵ is a great step forward for consumers by adopting appropriate regulation to protect against the high-risk categories of e-mobility devices such as cheap imports.

This new regulation leaves the way open for all levels of Government to provide more focus on the benefits that e-mobility devices provide.

Having said this, maintaining a focus on education of the mitigation of lithium-ion battery fire risk remains important for everyone, not just apartment owners and residents. See above section on Customer education.

If falls short however in addressing one of the other high fire risk categories, which is modification of lithium-ion battery powered devices, changing or using incompatible battery chargers or modifying the battery and/or charger.

There is also a need to establish a set of regulations relating to modifications of e-mobility, including regulation of “do-it-yourself” modifications. For example, there are wide-ranging regulations and testing criteria relating to the modification of road registered motor vehicles but understand that compliance is easier to manage in that more formal environment.

There are strict regulations relating to electrical and plumbing work regarding licencing those who can do that work, but similar to this circumstance, compliance checking is somewhat limited. We are not suggesting licencing, just the establishment of some

⁵ <https://www.nsw.gov.au/housing-and-construction/safety-home/electrical-safety/lithium-ion-battery-safety/new-safety-standards-for-lithium-ion-batteries-e-mobility-devices#:~:text=From%20February%202025%2C%20e%2Dmicromobility,reducing%20the%20risk%20of%20fires.>

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related regulation with the understanding that compliance is difficult – but having the regulation in place is at least a disincentive.

Penalties for non-compliance could be used both as a disincentive and applied in the event it is determined by experts to be the cause of a fire or other damage.

Rules could include:

- It is an offence to modify or otherwise enhance the operation of an e-mobility device motor, battery, battery charger or management system.
- Any modifications or changes must be within the conditions laid out in the standards applicable to the device motor, battery, battery charger or management system.

This approach clearly requires more thought, but establishing a principle that modifications to these devices creates an increased fire risk is important. Regulation is a potential mechanism to help educate on and control that risk.

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

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

Particularly in higher population centres, where apartment living and traffic congestion prevail, it is critical we work to ensure these new transport options to reduce congestion and pollution are not restricted or rejected but enabled and embraced.

Establishing standards for safe charging areas for apartment as mentioned in the Storage and Charging section above, is deficient and needs to be addressed.

(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

(h) best practice in other Australian and international jurisdictions

(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

(j) any other related matters.

OCN has no relevant expertise in these areas and offers no comment