REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE ARTS

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

CORRECTED

At Jubilee Room, Parliament House, Sydney on Tuesday 29 October 2024

The Committee met at 9:15.

PRESENT

Ms Cate Faehrmann (Chair)

The Hon. Mark Banasiak (Deputy Chair)
The Hon. Anthony D'Adam
The Hon. Dr Sarah Kaine
The Hon. Natalie Ward

PRESENT VIA VIDEOCONFERENCE

The Hon. Wes Fang
The Hon. Bob Nanva

The CHAIR: Welcome to the first hearing of the Portfolio Committee No. 6 – Transport and the Arts inquiry into the use of e-scooters, e-bikes and related mobility options. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respect to any Aboriginal and Torres Strait Islander people joining us today. My name is Cate Faehrmann. I am the Chair of the Committee.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

Mr SEBASTIAN SMYTH, Executive Manager, City Access and Transport, City of Sydney, affirmed and examined

Mr PETER WARRINGTON, Manager, Transport Policy, City of Sydney, affirmed and examined

Mr CAMPBELL PFEIFFER, Director, Transport and Assets, Northern Beaches Council, affirmed and examined

Mr PHILLIP DEVON, Manager, Transport Network, Northern Beaches Council, affirmed and examined

Mr DAVID KELLY, Acting Manager, Traffic and Public Domain Services, Sutherland Shire Council, affirmed and examined

Mr GREG HOLDING, Team Leader, Traffic and Transport Services, Sutherland Shire Council, affirmed and examined

The CHAIR: Welcome and thank you for making the time to give evidence. I assume each council has one person making a short opening statement. Can we start with the City of Sydney?

SEBASTIAN SMYTH: The City of Sydney adopted a vision in its Sustainability City 2050 strategy that Sydney would be a city for walking, cycling and public transport. Electric micromobility—I will call it e-mobility for simplicity—has an important role to play, especially in increasing the number of people riding bicycles. This includes electric bicycles as well as share bikes. People want more transport options. Many want to ride bicycles to save time and money, improve their health, reduce emissions and avoid congestion, and because it can be really enjoyable.

Counts from March 2024 identified that approximately 30 per cent of bike trips were e-bikes. Share bike data shows that between January and October this year over 1.5 million trips were made on share bikes in the City of Sydney LGA, an average of 150,000 trips per month. This is twice as many trips as for the same period last year. There is an increasing number of transport workers using bikes to serve the community's growing demand for and reliance on deliveries, and people working as delivery riders have the right to appropriate regulation and working conditions to keep them safe at work.

We know that more people are choosing e-mobility to meet their everyday transport and economic needs, and every trip made using a smaller, lighter and more energy-efficient vehicle is better for our cities, reducing traffic congestion, reducing noise and emissions and reducing injuries and deaths on our roads. That is why this inquiry is timely. E-mobility can and should be successful in a city like Sydney, which has so many preconditions for success, like a temperate climate, population density in the inner city and metropolitan centres, and a good public transport network that can be extended with the help of e-mobility. Sydneysiders have proven to be willing adopters of new travel choices.

Many visitors and international students have used e-mobility at home and are keen to use it in Sydney. Other global cities are benefitting from successfully integrating e-mobility into their transport systems. We believe Sydney must also do this, and it only requires minor adjustments to bring multiple benefits. New South Wales governments have a proven record of supporting new transport offers, such as rideshare. Sometimes there is initial resistance and teething issues. But once they have done the planning, policy and regulation work, New South Wales has been able to incorporate transport innovations into the broader transport system. We have seen this with point to point, the Opal card, light rail and now metro.

Our message is that Sydney and New South Wales can and should have the travel choices that people in other successful global cities have. The city is a strong champion of micromobility, but transport is one issue where the New South Wales Government retains most of the powers, managing the State road network and local and regional roads, building and operating public transport infrastructure and services, strategy and policy, and enforcing most transport laws and rules. Local government's role is primarily limited to advocacy and influence for pathways and sometimes cycleways.

We already have laws and regulations in place to cover the power, speed and use of electric bicycles. The road rules are explicit on where and how people should ride, whether their bike is powered or not—for example, who can ride on footpaths, the requirement to ride safely and give way on paths, and the requirement for riders to stop at zebra crossings and red lights. Our submission outlines the opportunities to improve the road rules for active transport. The focus now should be on the necessary regulatory work around share bike systems. Share bikes are one part of the e-mobility fleet, and global experience shows that share bike systems need a proper regulatory framework that allows for growth and private sector involvement and innovation. These regulations must operate over a bigger geography than a single local government area so that the system is easier to manage

and administer but primarily so that people have access to more places. Only the New South Wales Government can create that framework.

Local government in New South Wales has been trying to plug the holes for more than seven years. We have repeatedly asked the New South Wales Government to take responsibility for the role it has in managing the overarching transport system. Local governments have done their best, but there is a reason why local government does not build or run trains, and why it does not allocate bus lanes or run bus services, and why it does not regulate taxis or rideshare. It is the New South Wales Government's regulation that creates the framework for provision and use of these. Share bicycle systems should be no different.

Our detailed submission with its eight recommendations outlines the challenge, the options and potential solutions. We outline our perspective on some of the hot-button issues, such as bike storage and clutter, footpath riding, and the relationship of this to the growth in food and other delivery services. We explain how the existing road system, and current New South Wales Government approaches to it, create unsafe or unwelcoming road environments for people riding bicycles. At the end of the day, our message is relatively simple: The more you integrate micromobility into everyday road system management, the easier it is to manage e-mobility systems so they add value to the broader community and gain community support.

Our submission outlines the many ways we believe the New South Wales Government can move quickly to create a better environment for micromobility, and these are consistent with the New South Wales Government's own strategy and policy. They just take commitment. Many are just about changing the way streets are managed and the need for New South Wales government agencies to implement their own strategies and policies on road space allocation. A critical enabler is for the New South Wales Government to fund and deliver a network of safe cycling links. If this happens, the City of Sydney is confident that Sydney and New South Wales can have world-class electric micromobility, with benefits for the broader community.

The CHAIR: Thank you very much. We will move to Sutherland Shire Council.

DAVID KELLY: Sutherland Shire Council recognises that e-bikes, e-scooters and related mobility devices have great potential to increase mode shift, which has all the benefits of traditional pushbikes, including improved health benefits and reduced traffic congestion and parking demand, whilst overcoming the traditional barriers to cycling like body composition, age, terrain and distances. Although council continues to receive a large number of complaints regarding e-bikes, an outright ban is not supported. Instead, the responsible use of legal e-bikes is supported, and it is preferred that improved legislation be enacted to enforce poor behaviour and the use of illegal e-bikes; comprehensive education programs be delivered in schools on the safe use of e-bikes; and suitable infrastructure be provided to facilitate cycle-only corridors.

The council supports improved legislation that focuses on banning electrically powered assisted e-bikes with motors over 500 watts and makes it illegal to modify or facilitate the modification of an e-bike that makes it not legal. Council also recommends the consideration of low-cost registration, junior licensing similar to a junior PWC licence, minimum age limits, limiting the number of passengers to one passenger, a minimum age for carrying passengers, a requirement for automatic noise actuation and daytime running lights to improve safety for pedestrians, and laws that allow locations that councils wish to specifically ban the use of e-bikes and/or e-scooters rather than all bikes and scooters. The New South Wales State Government should work with other Australian States to consolidate the laws on e-bikes so they are consistent with all other jurisdictions.

The council recognises its ongoing role to provide cycling infrastructure and educate the community in partnership with Transport for NSW under their Local Government Road Safety Program. We feel additional funding is required to provide education on bike and e-bike safety. The council has had some success with piloting the Ride2School program for primary schools. A similar program would be supported for e-bikes in high schools. The council's cycling network is currently largely made up of shared paths for riders of all ages and footpaths for younger riders. Significant investment is required to provide dedicated cycleways throughout the bicycle infrastructure network. Whilst this may be achievable in time, the present circumstances of infrastructure could not support an outright ban on e-bikes using footpaths and shared paths. The road reserve area has many competing priorities and a variety of hazards are evident within these corridors. The council recommends other land options would need to be investigated, such as existing railway, metro and motorway corridors, to deliver dedicated cycle highways. Thank you.

The CHAIR: Finally, Northern Beaches.

CAMPBELL PFEIFFER: Thank you, Chair and Committee members. The Northern Beaches Council Mayor, Deputy Mayor and councillors welcome this inquiry. I think the other Councils have actually spoken on a lot of the matters that we wish to raise. The northern beaches has had a rapid uptake on e-mobility devices. We

see the benefit of those devices, but we also see the challenges that they are raising with infrastructure in our community. We might leave it there. We have made our submission. We are very happy to answer questions.

The CHAIR: Thank you so much. Before we kick off with questions, I will let you all know that we have two members of the Committee online. The Hon. Wes Fang and the Hon. Bob Nanva are online and will jump in with questions if they have any. I will kick off. I would be keen to hear councils' views on the Government's announcement on Monday about e-scooters. It seems the Government is putting to councils, if you like, to make decisions in this area. I would be keen to know what consultation took place with your councils around this draft idea for e-scooter regulation and your thoughts on it. I will start with Northern Beaches, if that's okay.

PHILLIP DEVON: E-scooters are an interesting component of the e-mobility mix. If they are replacing short journeys between residences and transport hubs, they are probably supported to a degree. With regard to consultation, I think Transport for NSW had limited consultation with us prior to making the announcement.

The CHAIR: Does "limited" mean "any"? What does limited mean?

PHILLIP DEVON: There were a couple of workshops with Transport for NSW around e-scooters and shared schemes but probably a little bit blindsided by the announcement the other day.

The CHAIR: What about you, Sutherland Shire Council?

GREG HOLDING: I'd agree with Mr Devon there. We have had some consultation around, and encouragement of, taking up shared schemes for e-scooters, but we haven't heard anything about—or any prior announcement about what was announced on Monday.

The CHAIR: A lot of the submissions seem to say that council-by-council regulation of e-scooters and e-bikes doesn't work. Is that your view, Mr Holding?

GREG HOLDING: Yes, that's council's view, that it would have to be something statewide to be effective.

The CHAIR: I will go to City of Sydney.

PETER WARRINGTON: Our history is probably partly contextual. Obviously when e-scooters and shared e-scooter schemes started to take off in Paris et cetera, we had a lot of companies come to us as the tourist heart, if you like, of Sydney. At that stage, we were trying, as Sebastian outlined in his opening remarks, to deal with the existing shared bike proliferation in the area and the lack of framework for that, so we were dealing with a real world issue. We actually contributed fairly extensively to the then Government's electric scooter working group, just working through the safety—et cetera—implications. I think that was a really useful process, but it ended at the time when it got to what I would think was the more important choice about how should these schemes, particularly shared schemes, be regulated. There was no real work done on that.

As people might remember, there was then a little bit of a lull for a couple of years and then the electric scooter trials with local government needing to be front and centre in that took off. We considered it as a council and decided that it wasn't a priority. Given the way that they were structured, we couldn't guarantee the safe riding environment. We were highly conscious of the proliferation of footpath riding in other cities despite the claims of being able to geofence, so we just, as council, decided we would continue to monitor the trial, and see where it led us, and focus more importantly on the cycleway network development and trying to get shared bike regulation. I think our view is exactly the same as it is with shared bikes. It needs to be a bigger framework and, if they become legalised, which obviously the New South Wales Government can do at any time, then the same operators probably want to be able to offer bikes and scooters to their customers and it should have the same type of framework and operate on the larger geography that no local government alone can provide.

The CHAIR: What are the issues with each local council being responsible for an e-scooter shared scheme, for example, in their area? What are the problems with that?

PETER WARRINGTON: For us it was a number of things. It's the actual safety of use. We've got the underlying issue that the New South Wales Government has always raised about are these devices even safe to use. That's, we presume, why they're currently still illegal whereas they're legal in other jurisdictions. The unsafe riding environments and the limited amount of trips that people can make on places where, if we were to manage a scheme, we would consider they are safe to ride—so we were keen to get a more developed cycleway network before considering having a trial. It's also just the resource implications of needing to, if we were running multiple schemes—local government has got other priorities obviously.

We support the mode in principle. We think they may have an important transport function to do. It's unclear what that is and that really needs the New South Wales Government to be setting up a metropolitan system,

if you like, so the device, if legalised, can be used across bigger areas. The other thing is, if you think about the geography of local governments, our local government area and inner west local government area share King Street. If we had scooters and they didn't, people are going to have to drop off halfway across King Street. People want to ride from place to place; they don't want to ride within local government boundaries. They're just administrative constructs—good ones, but they don't help when it comes to growing car alternatives, if you like.

SEBASTIAN SMYTH: If we entered into a contract with one service provider for shared e-scooters—these are not the private ones—and inner west or Randwick representatives decided they prefer to go with another contract, you have the very real risk that you literally hop off one provider and have to find another provider when you hit an LGA boundary. But it was very clear that the maximum safety opportunity is to have these operating on a connected system or network of cycleways, to not have them operating on footpaths. Our footpaths are much more highly populated than many other footpaths in the other local government areas. If you can't go on the footpath and there's not a cycleway, well, are they on the street? And what is the maximum speed limit on that street that will provide adequately safe conditions for people to operate an e-scooter on? Obviously, our positions on reducing speed limits and traffic speeds on our streets are very well documented.

The CHAIR: Yes, you are advocating for the 40 kilometre and 30 kilometre per hour speed limits. I have many more questions, but I'll throw to the Opposition just after this last question about cycling infrastructure. You've all noted that in your submissions. I will ask Sutherland: How important is cycling infrastructure for your local area? What support are you getting from the State Government and what more support do you need? Some local government areas obviously have more cycling infrastructure than others. How important is it in Sutherland, and how big is the demand for more cycling infrastructure?

DAVID KELLY: Thank you for the question. I think the cycling infrastructure within Sutherland shire is imperative in regards to getting across the shire. One of the key things that our shire is focused on is the delivery of the Sutherland to Cronulla Active Transport Link. That is a regional link in partnership with Transport for NSW and the State Government. That literally provides a spine of a cycleway from east to west across the Sutherland shire and provides the basis of an infrastructure network for cycling. One of the challenges with the SCATL cycleway network is managing the competing priorities within the road corridors, within shopping centres and across and through suburbs. As we mentioned looking at, we've been advocating strongly for the rail corridor. That was an original option in that space. From an infrastructure need, the spines and the "ribs", is what we call them in the Sutherland shire, are imperative to give us a full network for delivery of our bike plan.

The CHAIR: Thank you. Northern Beaches?

CAMPBELL PFEIFFER: The infrastructure that's in place on the northern beaches is not comprehensive. The ability to actually put in place separated cycleways, which is the best practice—because you want mode separation between pedestrians, cars and bicycles—will take years and years. What we have now is we have an immediate problem. While Transport for NSW is working with us to provide funding, there's also a capacity issue for councils to deliver it in the short period of time. I would say that it's a challenge, from a council point of view, where you have shared cycleways; it's a challenge where you only have footpaths. I think it's a challenge that we're not going to resolve in the short term.

The CHAIR: Because the City of Sydney outlined it very well in its submission and time is running out, I'll throw to Ms Natalie Ward.

The Hon. NATALIE WARD: Thank you all for your submissions, for coming along today and for the great work you are all doing locally. I might start with Northern Beaches Council, given my proximity to it. Were you consulted before the Government's announcement yesterday?

PHILLIP DEVON: No.

The Hon. NATALIE WARD: Not contacted? Okay. Just as a takeaway from that at the high level, I take from what you're saying that councils really are struggling to deal with this, as you just said, Mr Pfeiffer, as an immediate problem, and that the proposal, whatever it is—or the plan for a plan—is really a long-term announcement but, meanwhile, you've got to deal with the day to day. Would that be accurate?

CAMPBELL PFEIFFER: That's correct. This would be one of the issues on the northern beaches that our local government gets the most feedback from the community about. Part of the challenge is the fact that we support e-mobility devices—they are fantastic for those short trips—but some of our community, and the more vulnerable in our community, just don't feel safe with them.

The Hon. NATALIE WARD: Look, I'm all for kids getting outside and getting on a bike and getting off screens, so don't read that the wrong way. But we've seen pictures of three kids with maybe one helmet between them, if any, riding along on an e-bike at speed. That surely is a concern for pedestrians and for locals on the

streets. On the Manly boardwalk, there is a bike lane but there's not really, as you say, the infrastructure. Do you care to comment on that? Also, as punters, people seem to blame you and blame council for those issues. What is it that you need help with the most?

CAMPBELL PFEIFFER: I might let Phil do that. What I would say to start off with is that council has very little powers in this respect. That's where we come to the State Government. We have worked on an education campaign, which I'm happy for Phil to talk about.

PHILLIP DEVON: We did some market research through a third party provider late last year on the knowledge base that the kids that you are talking about—two or three up on the fat bikes. A lot of them had limited road rule knowledge. They had basically been given these bikes by their parents to get around the area. What we found when running operations with New South Wales highway patrol down on the Manly beachfront was that there is definitely a knowledge gap in the education. A lot of the children who are riding these devices aren't aware that it is illegal to modify them.

The Hon. NATALIE WARD: A 20-kilo electric bike or scooter going 20 or 25 kilometres an hour with two kids on it with no helmets—that's not a transport solution, is it? It's a bit of a tragedy waiting to happen, either to the pedestrian or the cyclists.

CAMPBELL PFEIFFER: Yes, that's correct. It's a serious safety risk, yes.

The Hon. NATALIE WARD: In terms of the Government, what is it that you need from them? You're obviously doing the education part, and that's helpful, but what is the one thing that you need help with the most?

PHILLIP DEVON: Clear definition of the regulations when it comes to what's legal and what's not legal. Talking to highway patrol on site at several of these operations, it's really hard for them to determine what's a legal and illegal e-bike—and the knowledge gap, when it comes to the parents buying these devices, as to what's legal and what's not legal.

The Hon. NATALIE WARD: I'll come back to the parents in a moment—because I am one—but in terms of enforcement, who should be responsible for that? Should that be police? Should it be council parking inspectors?

PHILLIP DEVON: It should be New South Wales police, as council doesn't have the powers or the resourcing to be able to do it.

The Hon. NATALIE WARD: You would accept, wouldn't you, that police potentially—I don't want to pre-empt what they will say, but it's understandable that they will say they don't have enough resources to do random breath tests right now, given our road toll.

PHILLIP DEVON: Correct.

The Hon. NATALIE WARD: Is it realistic to expect them to be pulling over three kids on a bike as well?

PHILLIP DEVON: We've had to actually pull one of the joint operations this month due to lack of resourcing with local highway patrol.

The Hon. NATALIE WARD: You had to pull—

PHILLIP DEVON: Pull one of the events that we were running.

The Hon. NATALIE WARD: What was the event?

PHILLIP DEVON: Just one of the joint policing operations and education operations on the Manly beachfront because police didn't have the resources to attend.

The Hon. NATALIE WARD: So you can't do a promotional, pre-organised event.

PHILLIP DEVON: Yes.

The Hon. NATALIE WARD: In terms of the scooter infrastructure—no consultation on that. If that were to go ahead—say a regulation is made—what's the solution there? Is it infrastructure? If so, who pays? Who does enforcement? How does that look?

PHILLIP DEVON: That's a good question. We definitely need the infrastructure, because one of the issues with the e-bikes, for instance, is the lack of noise on approach to a pedestrian. The scooters are even worse. There is no resourcing for the enforcement to achieve compliance.

CAMPBELL PFEIFFER: I might add to that. Councils don't have the capacity to put in place local regulations and it doesn't make any sense for us to have alternate rules between councils. People go between councils. They don't stay in their own local government area. It's hard enough to get education consistently through to users as it is. That's not a matter that councils could resource up, nor would it be effective.

The Hon. NATALIE WARD: I want to come to Sutherland in a moment and City of Sydney also. If I'm in God's country in Manly, and I've bought my kids an e-scooter for Christmas under pressure on Amazon— click, click—it's basically similar to buying them a car, is it not? I'm not scaremongering; I'm just saying there are road rules that I think you I hear you saying need to be applicable. There are safety implications. This is quite a serious thing. While I can click and buy a skateboard, it has actually got some pretty serious implications for you, for safety, for roads, for infrastructure and for costing, doesn't it?

We need State-based regulations to be answering that and funding it.

CAMPBELL PFEIFFER: The Northern Beaches Council's position is that we support e-mobility devices and they do provide a solution that's currently a gap in the market. In terms of comparison to cars and the risks and the rules around it, that's the gap that councils are seeking to be filled. Currently you don't need registration, you don't need a licence, you don't need any education to utilise them, so that's the gap that we're looking to be filled.

The Hon. NATALIE WARD: Sutherland, you have a similar issue with surfboards and bikes as does Manly. Do you care to comment?

DAVID KELLY: We certainly do, very similar to our Northern Beaches colleagues. With regards to the infrastructure, we don't have the infrastructure in place to be able to facilitate the e-mobility in a safe way. With both e-bikes and e-scooters, we also have photos of two or three people on a bike and, as Northern Beaches mentioned, they're very quiet. You don't hear them coming. It's a real hazard when you're walking in a road reserve corridor, which is probably 3½ metres on the side of the road in the footpath area with other competing things, such as pedestrians, trees, light poles—all of those things.

You are trying to find a corridor where someone's travelling, as you said, 25 kilometres an hour in that road reserve, not within the road pavement where the cars go. If you bring them into the road pavement, then you've got the conflict between children on the road with cars. One of the struggles is from an enforcement point of view. Most of these children that are on the bikes can't be charged because they're too young anyway. As mentioned by Northern Beaches, they don't understand that they're illegal or they're not allowed where they're riding. The parents are unaware as well of what a legal e-bike is and what an illegal e-bike is, based on the terminology and the legislation that's currently in place.

The Hon. NATALIE WARD: If I'm searching Amazon for Christmas presents for my 14-year-old and I need to get something quick, a fat tyre bike looks pretty attractive—depending on the price, I guess—but there is no regulation on there to say, or to educate me as a parent or my child, about what I'm allowed to do, what I'm allowed to buy, or what's legal or illegal to import.

DAVID KELLY: That's correct.

The Hon. NATALIE WARD: So, regulation is your answer to that. I'll finish on this, Chair. The City of Sydney, you don't have the beach and the surfboard issue, but you certainly have the congestion issue of the smaller footpaths and higher pedestrian activity, and you didn't participate in the e-scooter trial. What's the answer to infrastructure? Who should be providing that? Would that be City of Sydney, or should it be the providers, or should it be government?

SEBASTIAN SMYTH: The city has a really strong record of rolling out cycling infrastructure. It's not always easy. We rely on State Government funding. In real terms, in practical terms, that's now less than half what used to be available to local governments. The Get NSW Active grants are massively oversubscribed, so that's where local governments apply to the State Government for contributions to delivering active transport infrastructure.

The Hon. NATALIE WARD: Sorry, are you saying the funding is less than half? Is that what you're saying—not the infrastructure?

SEBASTIAN SMYTH: The bids put in by local governments are—sorry, the funding, the budget, is similar to what it was under the previous Government, but in the last few years of the previous Government, they were topping up that funding from other sources. There was a bit of a flash of cash coming in, in the final years of the last Government, so we had more to work with. Currently, we all put in our Get NSW Active grants to build walking and cycling infrastructure and three-quarters or five-eighths—whatever the figure is—are unsubscribed, are unfunded. But we need to put things in perspective. Cycling can be unsafe. Private e-scooters are currently

not legal to operate on public streets, so I wouldn't buy one for your birthday present unless you've got a big driveway.

The Hon. NATALIE WARD: I don't have the budget for that.

SEBASTIAN SMYTH: There are laws in place, as I said in my submission, that govern the power and the speed, but you are not allowed to modify these things, so it's about education and enforcement of that. But we've got to maintain perspective on what is the major risk on our roads, because we've got the stats in the City of Sydney and it's motor vehicles. They kill and injure people at a hundred time the rates of bicycles. Let's not lose perspective on what the challenge is. That's why we do need to provide separated cycling facilities, because that's what 70 per cent of people say will get them out on a bike.

The Hon. NATALIE WARD: I will finish on this, if I may, Chair. On that, so cycleways—who should pay? Bike lanes?

SEBASTIAN SMYTH: Separated cycleways?

The Hon. NATALIE WARD: Yes.

SEBASTIAN SMYTH: We can't fund it. There are very limited funds in local government; they have to go a long way. We rely on big contributions from the State Government. But we can't build them everywhere, and that's why we are pushing for speed reduction so that the people who have to get to the cycleway, or there is not a cycleway to serve them, we can address that with speed reduction if the State Government allows us to do that.

The Hon. MARK BANASIAK: This is probably a question for all of the councils. Have you actually conducted any studies to quantify how many residents have replaced their car trips with the e-mobility option to discern between switching between a bus and jumping on an e-scooter or e-bike versus a personal car and then switching to an e-bike or e-scooter? Does any council have any data on that at all, to quantify how many people are making that switch?

DAVID KELLY: I think one of the key things is that the audience that's using e-mobility don't have cars; it's the teenagers. It gives them independence to move around the local government area, to get to school. As far as whether they would shift from a bus to an e-bike, we don't have any relevant data in relation to that—driving and e-bikes as well. I think the majority of the issue is at a lower level than the car.

PETER WARRINGTON: The City of Sydney, through a variety of mechanisms—the nature of the density in our area, the investment in cycleways, the good public transport network that can always be better and our car sharing system—more than one-third of our households don't actually have a vehicle at all. We just see the e-mobility offer just being part of that good, modern transport mix that people in a global city are looking for. We wouldn't put a number on it. We just think that it's another way of giving people a non-car solution. When we are so constrained for space and we've got so many other issues around heat et cetera, we need to maximise the use of our space, and these types of modes are far more efficient than a car at doing that.

SEBASTIAN SMYTH: We do know that, unlike 10 years ago, in recent count 30 per cent of bikes that go past the count spot are e-bikes. What e-bikes can do is that they flatten a hilly city. They make distance smaller because they push you further. International research indicates that people ride more often and ride further when they go from a standard bike to an e-bike, but it's really hard to get that diversion of trips. The State Government has to look at that at a metropolitan level, at the State level.

The Hon. MARK BANASIAK: Does any council hold data on incidents involving e-bikes, whether they're the shared model or the private-owned models, in terms of running into cars or other pedestrians? Do you have a way of tracking this data other than anecdotal feedback from a rate payer?

GREG HOLDING: The data that we get around road crashes is predominantly coming through the Centre for Road Safety. Someone will report to the police, and that data will be sent onto the Centre for Road Safety. That all gets analysed and taken down to us. The only data that we end up with is if it's a serious injury or a fatality, and e-bikes are counted as bikes in that data. There's no separation.

CAMPBELL PFEIFFER: That's correct.

GREG HOLDING: We have had some discussions at Sutherland with local police around e-scooters, even though they are illegal, and any crashes that are happening. They have indicated a number of crashes with a range of ages involved as well, which is quite surprising to us.

The Hon. MARK BANASIAK: So it would be fair to say that unless it's a fairly significant incident involving hospitalisation or death, a lot of the incidents go unreported?

GREG HOLDING: Correct.

SEBASTIAN SMYTH: In the same way as motor vehicle incidents that are minor or near misses go unreported.

The Hon. MARK BANASIAK: Sure. I might stay with the City of Sydney because you mentioned the proliferation of the e-bikes in the council. Do you think the providers of those e-bikes have been good corporate citizens in how they've managed the proliferation—

SEBASTIAN SMYTH: Are you talking about shared e-bikes?

The Hon. MARK BANASIAK: I'm talking about the shared e-bikes. I'm talking about the blue ones, the green ones, the ones that seem to be taking skinny dips in the fountains in Hyde Park and the ones that are having a swim in the harbour.

SEBASTIAN SMYTH: The operators don't throw their appliances in fountains. That's the people in the street. It goes against their business model to damage their own bikes. Have they been good corporate citizens? They're working within the regulatory environment that exists in Sydney, which is very different to London.

The Hon. MARK BANASIAK: Sorry, rewind. Do you think they have a responsibility, by providing these e-bikes, to contribute to the education of the users? Presumably these things are tracked. They work out that they're having a swim in the harbour. Do you think they have an obligation to go and get them out of the harbour or the fountain?

SEBASTIAN SMYTH: We obviously work with them and encourage them to do that, within the non-regulated environment. But, at the moment, as I say, it's non-regulated. You rely on them being good corporate citizens; you rely on people using them to be good corporate citizens. We've developed voluntary guidelines so at least we can refer them to what our expectations are.

PETER WARRINGTON: I think Seb used the term in the opening remarks "We've tried to plug the gap." From 2017 when the first wave of bikes came in—the orange ones, the Mobike, the oBike and things like that—there were five or six operators. They were leaving before we even knew some of them had come. They were driven by big data—no-one really knows—and they were poor-quality bikes. We've now got two operators that operate in the City of Sydney—Lime, who I note are coming in to give evidence so you can raise that question with them, and Hellobike. There are a lot fewer bikes than there used to be. We've got some mechanisms in place, such as geofencing for parking areas in places like Pyrmont where we've got the space to do that. We're doing the best we can with the tools that we don't have. The operators want to make a go of it, so I think they will make representations on what the limits of regulation are for a viable business model, and that's where Government should go. Then local government will support that with allocating space and the general environment that will make it safe and positive for these schemes to operate.

The CHAIR: Order! I need to throw to the Government now for questions.

The Hon. ANTHONY D'ADAM: I want to ask about the shared schemes. Is it your view that there should be a cap on the number of schemes?

SEBASTIAN SMYTH: Our adopted view is that it makes sense to limit the number of operators in any geographical area. What that number is—two, three, six—is up to other people. At the moment, when it's free entry and exit, there are many operators trying to flood the market. We believe there should be a cap on the number of operators. We believe there should be a cap on the number of bikes or devices deployed in areas. You can't do that exactly, but it's just to make sure that there's not this argy-bargy of one company flooding the market to gain dominance and squeeze out operator two, three and four. We do have a position and that position is formulated based on precedents of cities where it is working.

The Hon. ANTHONY D'ADAM: Do you propose that that be done as a statewide tender process?

SEBASTIAN SMYTH: We're not proposing how it's done, but we're saying in geographical areas such as Central and the inner city, for example—not many people would use a shared bike between us and the northern beaches or Sutherland. But in geographic areas that make sense, there should be—and obviously we're going to need more appliances in the centre of the city than we do in Rosebery.

PETER WARRINGTON: I think the dimension you're also looking at there is competition. There should be competition. The community gets the best deal if these schemes are going to come in, and then there need to be standards. When people meet the standards, they should be able to stay in operation. If they don't, then they probably get replaced by someone who can meet those standards. Those are pretty normal systems. Local government, and individual local governments, can't set that up.

The Hon. ANTHONY D'ADAM: Sutherland shire, you are proposing junior licensing and registration. That is clearly going to be a barrier for people. The other issue is, potentially, that creates an expensive licensing regime that needs to be maintained and that's not necessarily going to be recouped through licensing fees. Do you have some comments about the practicality of that approach?

DAVID KELLY: We feel, sir, that the junior licensing would be a similar situation to what you have on the waterways with a junior boat licence. There are restrictions around that, for certain ages—same for a junior personal watercraft licence as well. There is a responsibility to maintain a certain speed and then, also, if an official comes up to someone on the waterways, they have to produce their licence. There is some sort of connection to the bike and the owner and the responsibility in that space. We feel that, at the moment, there is no connection for any enforcement. There is no address in relation to the person that is using the e-mobility device. So if someone is pulled over, even for an education purpose, they could be anyone. If you are carrying a licence—similar to a junior fishing licence, the same sort of thing—you have a responsibility and you follow the rules of your licence. With the e-bikes, there is no regulation around that at the moment.

CAMPBELL PFEIFFER: I might just add a little bit further to that. While it might seem logical to people who have had a car licence for many years how the road rules work, the kids we are talking about here have never had any exposure to road rules. They have been sitting in a car with their parents driving them around, but they don't understand the road rules and so they are starting from a base of nothing.

PHILLIP DEVON: I'd like to add as well that some of the schools in our LGA actually impose on the parents and students to have the child sit the basic knowledge test for their learner's online prior to allowing them to ride their e-bike to school.

The Hon. ANTHONY D'ADAM: It starts to create a very complicated regulatory process. We don't apply this to pushbikes, for example. There are, obviously, safety issues and hazards associated with pushbikes. Why do we think it's necessary for e-bikes and e-scooters, as opposed to more conventional active transport modes?

PETER WARRINGTON: Can I offer the City's perspective?

The Hon. ANTHONY D'ADAM: Sure.

PETER WARRINGTON: I think everyone wants kids riding these devices. We all did, as kids, I hope. It's a healthy and important thing, and it liberates parents from the school drop et cetera. Everyone wants kids riding and we want kids riding safely and courteously, just like we want adults riding safely and courteously. I don't think anyone disagrees with what we're trying to achieve. We're not trying to shut the system down and we're not trying to make it harder for people to ride. But, just like every other road user, it's important to share the road and behave safely. We take the Safe System approach and we think in that Safe People pillar that underwrites safe systems you have enforcement, you have rules, but you also have education. I do think, as someone who has worked in road safety a bit myself, the more that schools can educate around this, the better.

Obviously, everyone is looking to the schools to educate their kids about everything. We understand that teachers have limited resources, time and funding and there are a hundred issues. But we still think, instinctively, education is the way to fix this. The City goes out there on its busy shared paths and educates actual riders, in the places where there are potential conflicts. So we do what we can at the spatial level, but systemic education, I think, is really important. In terms of licensing, it has been looked at in New South Wales. The previous Government looked at it in 2014, 2015, and ruled it out. It talked about a photo ID for all bike riders, and then that didn't happen as well. We don't see any evidence that the New South Wales Government is thinking about those sorts of things. We note the importance of the outcome of such riding, but we feel like the other solutions around making the roads safer for people to ride and then giving an underlying level of education is a better way to go.

SEBASTIAN SMYTH: And safer riders become safer drivers. It's an amazing opportunity to get pre-training on the rules, the reciprocity and the behaviours before they get behind a mega ute with a bull bar hanging off it, et cetera. There's an opportunity for schools and government to create a safer system gradually through more riding.

The CHAIR: We have one more question from Mr Wes Fang, who is online. It needs to be quick, and the response needs to be quick.

The Hon. WES FANG: My question is to Mr Smyth. I noted in your answer that you indicated that the speed reduction was integral to the introduction of the e-mobility devices. Did you communicate that to the Minister and the Minister for Roads prior to their announcement and, if there isn't a speed reduction, does that indicate to you that the announcement was somewhat pre-emptive and premature?

SEBASTIAN SMYTH: Just let me clarify, speed reduction is integral to the safety of everyone on the roads, whether they are driving, riding, walking or scooting.

The Hon. WES FANG: I appreciate that. We're looking at e-mobility issues, so that's the bit I'm focused on. Is it integral, do you believe, to the introduction and did you communicate that to the Minister? Did Labor announce it without thinking through all of the issues?

SEBASTIAN SMYTH: We haven't engaged with our colleagues in Transport for NSW about the recently released plan, so there was no, "Before you do this, you must do that". Our standing position is that reducing speeds on roads benefits the safety and amenity of all people.

PETER WARRINGTON: Just so people are clear, our access strategy and action plan that the council adopted last year calls for a maximum of 40 kilometres per hour on all roads and early introduction of 30-kilometres-per-hour limits in places like the city centre. The previous Government and current Government rolling out the 40k in local streets is really appreciated, but we're very upfront about pushing for 30 where it matters and 40 everywhere else as soon as possible.

The CHAIR: Thank you, we will have to cut it off there because we are over time. Thank you all very much for your submissions and for being available today. The Committee secretariat will get back to you if you have taken any questions on notice, which I don't think anybody has, and supplementary questions, if we have them.

(The witnesses withdrew.)

Mr TRENT WILLIAMS, Head of Strategic Communications, Ario, affirmed and examined

Mr ADAM ROSSETTO, Country Manager, Ario, affirmed and examined

Mr WILLIAM PETERS, Senior Regional Director, Lime, affirmed and examined

Mr STEPHEN COULTER, Director, Zipidi, before the Committee via videoconference, affirmed and examined

Ms KRYSTYNA WESTON, Director, Zipidi, before the Committee via videoconference, affirmed and examined

STEPHEN COULTER: I am also the head of eMobility Australia.

KRYSTYNA WESTON: I am also the director of eMobility Australia.

The CHAIR: I'm assuming that each organisation has a short opening statement.

ADAM ROSSETTO: With yesterday's announcement by transport Minister Jo Haylen highlighting safety regulation and community benefits in mobility, today's discussion is especially timely. You'll have noted from our submission that Ario is providing the New South Wales Government with the ability to address the key concerns that everyone has complained about for too long regarding e-mobility devices. It's particularly satisfying for me and the team to read the recent e-mobility action plan developed by the New South Wales Government and confidently check off the safe-use criteria, knowing our products meets these standards. Ario was purpose-built to rectify the critical and longstanding safety issues that have never been satisfactorily addressed. Page 5 of the e-mobility action plan identifies the key areas of concern, namely, footpath riding, incorrect parking, helmet usage, antisocial behaviour and toppled devices causing hazards.

These are concerns that communities and governments have raised for far too long and that shared operators have so far failed to address. As recently as two months ago, the City of Melbourne stopped its e-scooter trial specifically because these basic requirements could not be met. Fortunately, this should all be a thing of the past. Ario is introducing into New South Wales a new generation e-mobility device that sets a new benchmark for safety and operational excellence. You'll have seen from our documentation that Ario has been specifically designed to ensure that helmets are worn and returned, that devices are parked correctly, that tandem riding can now be eradicated, and that the bane of communities across the country that have e-scooters falling over or toppling, creating hazards, is now a thing of the past.

I specifically draw your attention to two groundbreaking changes that should quite frankly become mandatory for shared operators. First, Ario e-scooters have the ability to automatically detect when a rider is on a footpath. This is a capability that manufacturers and operators have been promising since e-scooters first came to Australia. If a rider is on a footpath when they are not allowed to be, our device will slow to a stop and the rider will be required to move to a bike path or road, depending on the regulatory requirements of that State. Secondly, Ario is the first company to introduce pedestrian awareness technology. Simply put, if an Ario e-scooter is on a footpath, our device can recognise pedestrians and automatically slow the device down while warning the rider and pedestrian through an onboard speaker in real time.

The ability to ride on footpaths, zipping between pedestrians and acting like an idiot is not possible on our device. These are all technologies that we can deliver now, today. I realise that talk is cheap, so I am happy to demonstrate our product's capabilities at your earliest convenience and validate for you what I've just said. However, there does remain a challenge for the New South Wales Government that better technology cannot resolve, and that is the way we integrate e-mobility into our communities. To operate in a given area, shared service providers such as Ario and Lime are required to negotiate with individual councils, LGA by LGA. There are 33 alone in Greater Sydney and 128 statewide.

This has two key drawbacks. Firstly, councils can have limited experience or be under-resourced to adequately manage a new shared mobility program, most recently, the Transport for NSW stakeholder workshop. Council after council identified that running a shared mobility program was not a core functional area, nor something they really wanted to do. Secondly, the shared service operator that is willing to pay the highest fees to a council is very often the one that wins the tender. Shouldn't the operator that has the best program, the safest product, the one committed to building and maintaining social licence be the operator of choice? Commonly, and unfortunately, not. The impacts of this approach are straightforward. To compensate for high fees, operators commonly cut other critical activities, such as moving toppled devices that are causing hazards, investing in patent technology, running safety programs or building social licence.

Safety is no longer the key success driver for winning a contract, and rather than creating a transport partnership that benefits everyone, councils introduce more and more severe punishments to try to enforce

compliance, leading to draconian rules that limit the effectiveness of the e-mobility programs. We ask why, after nearly eight years in Australia, we still have the same safety and compliance issues as we did back when e-scooters first arrived on our shores? There really are options—ways forward to break the cycle that is limiting cities from really embracing e-mobility, and it doesn't have to be complicated. The key recommendations we propose include setting up a statewide body so that all shared e-mobility operators validate safety and operational capabilities and coordinate the program in partnership with local councils. We believe that Transport for NSW is best placed to serve this role.

Number two: Establish a panel of accredited operators that conform to best practice, and a panel that councils will be able to choose from when looking at potential operators in their area; potentially establish a State body to determine appropriate fee structures, tailored to regions if need be, but one that eradicates the ability to buy a market and compromise on safety; and, finally, actively engage with and leverage operators to identify opportunities for innovation and improvement. Albert Einstein once said, "You can't solve problems by using the same kind of thinking we used when we created them."

We all agree that e-mobility holds great potential for our communities if done right. New South Wales has a unique opportunity now to build on over eight years of lessons from other States, creating a model that prioritises safety, sustainability and seamless integration into our Australian way of life. Thank you for the opportunity to contribute to this inquiry. I look forward to working with you to raise the standard of the sector in New South Wales.

WILLIAM PETERS: Thank you for the opportunity to address the Committee today. Lime has vast global experience developing regulated and safe micromobility systems that enhance urban mobility. We are eager to work with the New South Wales Government and this inquiry to develop a new regulatory framework that expands access to safe, sustainable, affordable and fun transport options. This inquiry has heard key concerns about pedestrian safety, and the need for proper infrastructure and for parking and riding that has consistent standards. We have listened, and we agree. Addressing these issues is key to an effective framework. As the largest micromobility company in Australia, we are keen to play our part in developing a system that works for everybody.

Drawing on empirical evidence from our operations in over 280 global cities, we have three key recommendations. The first is to establish a centralised authority through Transport for NSW to set consistent standards across council boundaries for all forms of micromobility. The system's custodians need scale, resources and expertise to regulate these dynamic new technologies. We think the only such body is Transport for NSW. Like buses and trains, shared micromobility services should operate under one consistent statewide framework to maximise public benefit and safety. The current fragmented approach to e-scooters creates artificial boundaries that limit rider choice.

With one statewide framework, we can deploy a range of vehicles based on real-time demand across council boundaries, ensure consistent safety standards throughout the network, provide reliable first- and last-mile connections to existing public transport and shared bike services, implement unified parking solutions that work at scale, share comprehensive data to inform transport planning, better support major events and venues that draw visitors around New South Wales and beyond, and enable consistent service standards that enhance Sydney's reputation as a global city.

Secondly, we suggest the development of a State environmental planning policy, or SEPP, for dedicated micromobility parking. Like EV charging—the SEPP that was released in 2023—and like buses and trains, micromobility requires appropriate infrastructure to function effectively. Our data shows that ample designated parking infrastructure optimises both device availability and pedestrian access. In areas with designated parking, we see drastically improved customer compliance. Thirdly, evidence shows that dedicated, separated active transport infrastructure significantly improves rider safety and encourages a mode shift from cars. All levels of government should support the expansion of separate active transport corridors through funding and delivery.

Since launching in Sydney in 2018, Lime's data alone shows we have facilitated over 4.5 million trips by 570,000 customers with a 99.99 per cent injury-free rate. One in four riders is from out of town, which means that not only are we popular with locals, but we also provide essential transport services supporting Sydney's visitor economy, connecting people to destinations, venues, educational institutions and business districts. Twenty-two per cent of journeys occur between 8.00 p.m. and midnight, supporting our night-time economy; 56 per cent of riders say our service makes them feel more likely to visit local businesses; and 60 per cent of riders make purchases before or after a trip, with a median spend of $30.

We enable access to neighbourhoods that other transport options simply don't. Our approach is built on verifiable safety and accountability. Each vehicle incorporates thousands of sensors, monitoring speed, location and usage patterns. Unlike private devices, shared fleets operate within strict parameters. Speed limits are

hardwired in and managed through geofencing technology. Every journey is tracked and we have comprehensive insurance for both the public and riders. Thank you again for this invitation. I am happy to take questions.

The CHAIR: We will go to Zipidi now for your opening statement.

STEPHEN COULTER: We would like to start with the "why": Why micromobility? Micromobility plays a crucial role in the overall transport for a growing city by offering flexible, sustainable and cost-effective transport options as part of the overall transport mix and not in isolation from it. With more than 50 per cent of car journeys less than five kilometres, there is massive potential to reduce congestion, improve health and wellbeing, reduce CO2 emissions and support local economic activity. E-scooters, e-bikes, e-cargo bikes, enabled electric vehicles and other emerging light electric vehicles are providing more choice and more options for people to get out of cars for their short journeys. Safety and quality of vehicles, the riding rules, and riders in the community are paramount to new mobility being accepted and successful.

There are some outcomes that are required. We need to have legalisation of vehicles which meet provable safety and quality standards. That is not the situation now, where illegal product can be sold because it hasn't been banned. We need consistency in minimum vehicle quality and safety standards for both privately owned and shared micromobility. We need road safety rules which support all community stakeholders and provide effective riding conditions—not just the riders of e-scooters but the much broader community. We need unified government and industry messaging regarding the safe purchase, ownership, charging and use of these scooters and bikes, and we need community education on the role that e-scooters and e-mobility plays in the future-looking integrated and sustainable transport system.

There are five broad recommendations we think need to be adopted. New South Wales is well on the path to some of them already. Firstly, the Federal department of transport has had a definition of "personal mobility devices" since July 2021, which is a strong definition with one exception: It has a limit on the length of an electric scooter of 125 centimetres. No such restriction exists on bikes and other vehicles. Over 30 per cent of new scooters are more than 125 centimetres long and they are all safer because they have larger wheels and more stable decks. Our second recommendation is to adopt the riding rules proposed in the draft e-scooter riding rules released by Transport for NSW yesterday. The only change we would make is to allow a passenger on an e-scooter if the vehicle was designed for it and meets safety and quality standards.

Thirdly, we recommend that New South Wales adopt the e-bike, e-personal mobility device and lithium ion battery standards that NSW Fair Trading regulated in August 2024 after their inquiry into this. They are very sound recommendations; there are details of those in our submissions. Our fourth recommendation is in line with NSW Fair Trading: Require all standards to be certified by independent laboratories as to the safety, authenticity, validity and applicability for the batteries, bikes and scooters. Finally, we recommend that all e-bikes, personal mobility devices and lithium ion batteries for mobility should have smart connected safety labels that can prove enforcement and that can prove to users that these devices do meet the quality and safety standards and aren't fake and counterfeit products currently being sold and causing fires throughout Australia and throughout the world. We would like to endorse the recommendations around structure that Will from Lime made. We fully support his recommendations. We are happy now to take any questions.

The CHAIR: That was very succinct and concise.

The Hon. NATALIE WARD: Thank you all for coming along and for your submissions and putting time and thought into very constructive suggestions for solutions. It is very much appreciated. I will go to those in a moment. Can I just ask, prior to the announcement yesterday by the New South Wales Government, what consultation did you have with the Government about these announcements?

ADAM ROSSETTO: We didn't have any consultation.

WILLIAM PETERS: Lime was invited to several workshops with Transport for NSW on a holistic framework, and we provided input into that.

The Hon. NATALIE WARD: When were they?

WILLIAM PETERS: In the past few months.

STEPHEN COULTER: We made a significant submission the moment the inquiry was announced— the cross-department committee that Transport for NSW is running—but unfortunately we weren't invited to attend any of the briefing sessions. We made very detailed recommendations around vehicle standards, riding rules, and product safety and quality.

The Hon. NATALIE WARD: Thank you. Mr Williams?

TRENT WILLIAMS: No, I'm good.

The Hon. NATALIE WARD: I might move to the recent experience in implementation. We've heard a bit about the disparity between States, locations and councils, and the lack of knowledge about what can and can't be done and what the road rules are. Can I ask Mr Rossetto, to start with—over the past two or three years, we've seen cities here and internationally pause or even cancel their e-scooter programs due to lack of compliance or community pushback about it. We've seen in Melbourne that it's been brought in and then cancelled. Can you talk about what suggestions you have for changes or improvements to help inform how New South Wales might improve the integration of these devices into towns and cities?

ADAM ROSSETTO: Thanks for the question. As mentioned in our statement, we believe there is really an opportunity for the State Government to play a more active and central role in regulating shared operators and developing that standardised approach, mandatory code of practice and safety standards. I think the introduction of a statewide certified process would ensure that e-mobility operators actually have the vehicle safety attributes that they say they have. That's the first piece. I think the second piece is the current approach where tenders are often awarded based on the highest bidder. That really is flawed, because it means that safety takes a backseat. That's something we'd really love to see changed moving forward in New South Wales.

WILLIAM PETERS: From Lime's perspective, we operated in Sydney and Melbourne—and we still do—with a large number of share bikes. That was very well supported by the lord mayor down there. I would also like to note to the Committee that shared e-scooters still operate in a number of councils surrounding the city of Melbourne, and we're currently demoing technology to address certain concerns. When we look at the implementation of these types of schemes, it's very important to localise it in a policy framework. I think we've seen cities—whether they're Paris, London or Rome—go through a trial and learning phase, and now we've got some very consistent regulations in jurisdictions. Jurisdictions such as the Nordic countries are quite well advanced when you look at how people use these. A key component is infrastructure. One of the elements that was put up in Melbourne, before a very unusual decision was made, was a dedicated parking infrastructure, which was supported by the council in question and would have made a real difference in terms of a lot of the community angst that we saw.

The Hon. NATALIE WARD: In terms of dedicated parking and that sort of infrastructure, who should pay for that? There's obviously a cost for that, as well as locations and the infrastructure that you require for the docking, electronic monitoring and all that sort of stuff. Who should pay for that infrastructure?

WILLIAM PETERS: We've got a track record of this—certainly in large markets, such as London— where we're happy to look at a financial contribution and support local governments and State governments in implementing that. I am more than happy to put on the record that Lime is supportive.

ADAM ROSSETTO: Likewise, Ario takes a firm view that parking is of central importance to maintaining city amenity. Likewise, we would certainly contribute financially to the creation of parking locations. Additionally, the technology that operators have—such as Lime, Ario and others—is a virtual docking system. What that means is we create a geofence on an area of pavement within a city. We can enforce riders to park there. If they don't, we charge them a fee and we move that. That's a second option.

The Hon. NATALIE WARD: Thank you. That's what I meant to say: virtual docking, not electronic monitoring. Ms Weston, can I invite you to comment about that also?

KRYSTYNA WESTON: Do you want to take that?

STEPHEN COULTER: Yes. I'll take the lead there if you like. We're now six years in. In cities like Brisbane and Auckland, where it's been around for that long, it's starting to become business as usual and behaviour is normalised. We're not seeing the emotional reaction we're seeing in some of the cities when it first gets launched. There are some key factors occurring which are making more successful programs. Parking is a big one, and footpath riding. What we are seeing is a combination of parking where you have fixed corrals, where there can be fixed infrastructure in high-traffic areas, which effectively control the footpath clutter and contain it within controlled spaces. You have virtual corrals, where there are strict areas that can be enforced to some extent by geofencing, and then you have free floating in areas where it is less dense but there is still a need to support citizens with access to transport. None of the systems are perfect. The technology is improving all the time.

We are still effectively in a startup industry—we are only six years into it—and it's affected by other factors. If you are a large city with skyscrapers, the communication signals and GPS are not as accurate as if you were in the middle of the country where there is no interference. There are new technologies emerging to give increased accuracy in those situations, but there is no perfect system. It also takes governments to provide infrastructure so that people aren't encouraged to go off-road onto footpaths, and that's happened a lot in other cities where the most common reason people ride on footpaths is they don't feel safe on roads. So governments need to provide protected riding lanes for bikes, cyclists and scooter riders so they feel safe riding in the

environment that's provided for them. Around the world, there is a lot of evidence to show that most of the path riding happens where safe infrastructure isn't being provided. There is a combination of factors happening. Technology is not the silver bullet. It's certainly improving.

KRYSTYNA WESTON: It is certainly one of the aspects, and we need to continue to encourage operators to innovate. We are talking about shared micromobility. The operators spend an enormous amount of money on R and D, and they are constantly working to solve some of these big-city problems. We've seen some environments want to mandate one type of technology. We suggest that that doesn't happen, because that stifles innovation. As Stephen said, we're still in the early curve. We're getting much better. We will continue to evolve. This technology will continue to improve, and we need to continue to foster an environment of innovation and constant improvement.

The Hon. ANTHONY D'ADAM: You all support the announcement by the Minister to legalise and create a regulatory regime. Is that fair to say?

WILLIAM PETERS: Certainly, from Lime's perspective, we support a regulatory environment. But I would note that it does need to be, in our opinion, led by Transport for NSW, and it could have very adverse effects if it is done council by council.

The Hon. ANTHONY D'ADAM: So you would accept that the consultation process around that—this inquiry is part of that consultation process—provides an opportunity for you to provide structured feedback into that decision-making that is going to be taken into account by the Minister. Is that fair to say?

WILLIAM PETERS: Certainly this helps, because there are a lot of discussions around this topic, and I think a very clear message, certainly that we're sending, is that we need a consistent State regulatory framework, at a State level.

The Hon. ANTHONY D'ADAM: Perhaps I will go to Zipidi first. In your experience, what regulatory settings in other jurisdictions have delivered the best balance and safety outcomes for road users?

STEPHEN COULTER: In terms of overall road users, we think that rather than having, firstly, strict caps on numbers—we have seen councils where they have provided a range of numbers of devices that allow the market to determine the optimal number of bikes and scooters that are allowed to operate at any one time and that can handle peaks and troughs et cetera. If you put too low a cap on, it can limit the uptake to begin with and make the program a failure. So you need to have a range of vehicles deployed that fit the market size and the likely demand, and allow the market to drive the usage of that. You need to have the right infrastructure, as we said before, in terms of parking and in terms of fixed corrals, virtual corrals and free floating, where it is allowed.

We have seen some cities that want to ensure there is equity in access, allowing different limits in different parts of the city. Otherwise, operators will tend to flood the most busy areas with more devices and underservice other areas. People like Lime are very familiar with and have operated in many cities where you have different limits to ensure equity and access. In terms of the technology, we certainly see footpath riding and footpath clutter as key issues. As we said before, there are emerging technologies which we encourage, but they're like a new technology; they're getting better. Every three to six months there are leapfrogs in that technology, but that needs to be supplemented with council and government infrastructure.

The other strong point we have been making—and we most recently advised Hobart on their tender late last year and early this year—is to require provable safety standards of devices and batteries that are being used by operators in shared operations and also private as well. We have seen around the world some of the fires that have happened in operators, not by the ones around the table today, where there is sometimes use of batteries that are inferior. Provable standards exist, and we advocate very strongly that any equipment must provably meet the stands that are out there that are very strong.

KRYSTYNA WESTON: The other thing I would add to that is that it is important to have continuity of journeys. Brisbane, for example, is a very large city and you've got great continuity of journeys whereas in New South Wales, if it was split between multiple councils, you could have multiple operators working in multiple councils, you could have streets where geofencing stops and there is absolutely no continuity of journey. We need to actually think about total journey management when we are looking at these devices. We applaud the comments that have been made in terms of having a unified approach because having everything one by one is just going to cause more problems. To the point that somebody else made earlier today, councils do not have high levels of skills in this area. They don't have appropriate funding. We spend a lot of time educating councils on policy and strategy and there are low levels of understanding and knowledge in this sector. It really does need to be driven very strategically, with knowledgeable people being informed by people who have expertise.

The Hon. ANTHONY D'ADAM: I might go to Ario. Can I ask you about the technology that actually can be utilised around managing unsafe behaviours? Can you perhaps speak to that?

ADAM ROSSETTO: Ario has really been developed from the ground up to solve some of these key problems in the industry. In regards to pedestrian, we have some technology on board that solves the three key Ps, as we call them, which are paths, parking and pedestrians. In regards to pedestrian awareness, we have four cameras on our vehicle and depth sensors. When a user is riding a vehicle down a footpath, for example, it can sense when pedestrians are in its vicinity. It can slow that vehicle to a stop or to a slower speed and alert those pedestrians as well as the rider that they need to slow down.

Other unsafe behaviours, such as swerving, jumping or doing burnouts, we can detect that in real time and warn the rider and, if they continue, we stop that ride prematurely. That is one key feature in regards to unsafe riding. In regards to technologies regarding parking, we have pretty innovative features on the vehicle. Using those cameras and those depth sensors, we are able to repark a vehicle if it has been noncompliantly left by a user. That really is game changing, not just in Australia but globally.

The Hon. ANTHONY D'ADAM: I might ask Lime to make some comments about the parking issue as well. I understand you've got a perspective on that.

WILLIAM PETERS: If I might digress, on a model of good regulation, it is worth noting that Stockholm's model is very successful from a regulatory standpoint. It really does similar things to what we are proposing for New South Wales. In terms of the parking program, we have recently entered into a contract with Brisbane City Council on the allocation of 2,000 dedicated parking spots that were accompanied with funding. Some of those have already been implemented now. If you go to Brisbane, I would highly advise to check those out. That includes bluetooth technology, which we have made to be operator agnostic to make sure that is a fair playing field for any operator that comes in. That removes any of the issues from GPS drift.

A lot of technology that some operators use, including us, can be impacted when you are in a very high density urban environment. That is one of the numerous technologies that we are deploying. In addition, across our fleets, because we operate a multimodal fleet, you've got different technology on the shared e-bikes versus the shared e-scooters. In Melbourne, we are about to demo live camera detection on footpaths, which is a very similar technology to basically enforcing that rule.

The CHAIR: I want to touch on the parking issue again. Obviously that is a big deal because of the way in which we haven't really allocated any parking to these devices, unlike other countries and other jurisdictions where e-micromobility devices do work. You've mentioned, Mr Peters, that you've got 2,000 spots in Brisbane. What discussions have happened here in Sydney or New South Wales for dedicated parking spots? Sydney is much tighter in terms of our streets. A lot of the real estate, if you like, is taken. I note that a lot of submissions talked about the no-stopping areas for cars, for example. Is that one solution? Could you please talk to the Committee about what other solutions are out there for parking? I'll ask all of you, but I'll start with Ario.

ADAM ROSSETTO: As I mentioned, we have quite a unique technology feature set on our vehicles that enables our vehicles to be remotely parked. What I mean by that is, if a rider leaves a vehicle in an area where it shouldn't be, and if it's noncompliant or even inconsiderate—in a driveway or in front of a door—our team can log into that vehicle and, using the cameras and the depth sensors, move that vehicle to a compliant space. Typically we're talking a couple of metres, so moving it from in the middle of a pathway to the broadside. That's one key consideration. We've been running a trial in Auckland where we've seen incredible parking compliance as a result of that technology alone, and that is the best in the sector across ANZ.

The other key point is regarding docked parking, and we would advocate for on-street parking of vehicles. Similar to what Lime was advocating for, we'd allocate space across the city, whether that's on footpath or off footpath. We need to allow for a mix between city amenity as well as rider convenience. At the moment we feel that the balance is too far in terms of rider convenience, and that has resulted in vehicles all over the city. There needs to be a balance. We certainly advocate for the State Government to allocate spaces for vehicles to be parked, especially in high-pedestrian areas.

The CHAIR: I'll go Mr Peters now. Part of this is also probably needing to reduce the number of shared bike schemes in the City of Sydney. Wouldn't you agree? Surely there are more bikes than we have parking spots for at this point.

WILLIAM PETERS: If you take a Stockholm approach and allocate—when we look at parking, and this will come to the example I've just given before, it's really about choosing the zone and then finding the solution. From our perspective, the biggest parking operation that we recently did was during the Paris Olympics. We had over 15,000 bikes, roughly, in the city at that point in time. We developed technology which we're now rolling out globally to our markets which stops a user from parking incorrectly before they end a trip. There's a

lot of technology for after a person has ended a trip but, quite frankly, it's already been in the community right away, and that's a community burden. We actually want to stop that before it happens. That technology is going to go live in Sydney in about a month's time. A user is going to be able to take a photo of their bike and, if it's blocking a footpath, they won't be able to end their trip.

In terms of the user space allocation question, we need to look at whether they're bike hoops or bike racks. In some areas in overseas markets we call them daylight zones, and it's prescribing those spaces that we could identify under a SEPP. We could actually go and say, "Look, this is the appropriate space for parking allocation locations", and go and invest. There might be 20 bikes at that location. In some locations there might be two bikes. We can do that with our technology, and we're testing this on the Gold Coast right now. We limit the number of allocated vehicles at that location at any one time, and it would actually disappear from our app if that location was full. We've noticed that has dramatically increased user compliance. In London itself, we sometimes do over 200,000 trips per day, so we need solutions at scale. It's very easy to do very small solutions and say they're perfect. But when you're running a transport system—and I would say Lime, as the global leader in micromobility, does that every day—we need something that's robust.

The CHAIR: Zipidi, we'll go to you if you've got comments on that.

STEPHEN COULTER: The only point we would add to that is that a lot of the issues to do with footpath riding are to do with where the parking is allocated. Across Melbourne, a lot of the allocated parking spots were on footpaths, so a very large percentage of rides started or ended on footpaths because that's where the parking was allocated. We'd advocate that if you take a single car parking space, you can fit between eight and 12 scooters in the one car spot, off the footpath, which is a far more efficient use of that space and keeps them off the footpath at the start and end of rides. We think that's a fairly basic thing some cities are doing. We've seen that in Paris. Despite shared scooters not being used in the centre of Paris, there are still millions of privately owned scooters. Paris has been really good at reallocating car parking spaces to e-scooter spaces on the road for private riders to lock their devices at the start and end of rides.

TRENT WILLIAMS: Can I just add, Madam Chair, I think one of the real challenges with our sector is behavioural. I think that where we have possibly been underservicing our communities is in developing the correct behaviours, allocating the correct parking bays et cetera. I was in Paris last year and all the devices were on the ground and they were thrown on top of each other. That's not a parking issue; that's a behavioural issue. One of the things that we've been really looking at is trying to develop the correct behaviours with our riders. I think that's something that should be pushed back onto our sector—is that we're not just providing a device that you can leave.

The problems are international and particularly relevant in Australia. People leave their devices against fences, against doorways, across pathways et cetera. That is a behavioural issue and I think the more work we can do to actually drive our sector to better manage our riders and to develop codes of conduct that we enforce, the less problems we're going to have. There are technical solutions. But if we look at what London has just done, the laws and the regulations become more and more draconian, which is basically just beating us up and beating our riders up and creating a less optimal environment for everybody because we haven't actually addressed the cause, which are the behaviours.

The Hon. ANTHONY D'ADAM: How do you make people ride more safely? What kind of tools have you got available to do that?

TRENT WILLIAMS: For example, what Ario is introducing is a code of conduct when you sign up on an app. So you will go through five or six—I can't remember how many we have got—things. "I agree to ride by these rules" et cetera—so tick them off. Until you've ticked them off, you can't ride. Then we've actually got cause—when we identify that somebody hasn't done something correctly, we punish them. The punishment could be a fine. It could be a suspension. It could be banishing them forever from the app, but we need to take accountability on our side for trying to get riders to be better and to conform.

One of the problems in the sector, again, that has been since its debut is that it's a bit of a free-for-all. If you think about it, if I'm riding a bike—the last time personally I was on a bike, I was 15 and, when I finished with it, I threw it on the ground and Mum and Dad picked it up for me. Similarly with a little scooter—they were a toy. I have no evidence for this, but certainly subconsciously we treat these things as a bit of a toy. Our devices are worth $2,500 or $3,000 at wholesale. It is not a toy. It is packed with the latest technology that can help us manage a better environment for both our community, our rider and our government, but we need the rider to buy into that.

I really think there is a behavioural—if we want to develop a social licence for this sector, let's take accountability for what we're doing. If someone hasn't a got a helmet on, they shouldn't be allowed to ride the

device in the first place. Unfortunately, up until now, there hasn't been a solution for that. That now exists. For example, on an Ario device, if you haven't got the helmet on, it will detect it and you can't ride the device—fixed. In terms of footpaths—the technology is catching up and in our instance it's already here. But we still need the behaviour. You can always get around a rule. I'm old enough to remember when seatbelts came in. It was hard but you had to change the behaviour of the driver to get into it. There was a mix of education and enforcement.

The Hon. ANTHONY D'ADAM: In the earlier evidence, there was a suggestion about a licensing scheme. Obviously that would create complexity for your businesses. Can you perhaps maybe make some comment about whether you support a universal licensing scheme? Or, effectively, you're creating a sort of micro licensing scheme within the parameters of your own operations. Can you make some comment about that?

TRENT WILLIAMS: By licensing scheme I suppose we're talking about a code of conduct and rules that we actually impose within our organisation. Is that what you're addressing?

The Hon. ANTHONY D'ADAM: The argument was you need a licensing scheme so that you can engage in rider education and you can effectively control the behaviour so that noncompliant behaviour can be regulated. You've got a mechanism through your app to be able to regulate that behaviour, but for private users there is not that.

TRENT WILLIAMS: I can only speak for our organisation and the shared scooter environment. We all monitor the accidents through the media and all that. The percentages that are happening on a shared e-scooter are very, very low comparative to private e-scooters. Personally, I think that the technology, the constraints, the rules and regulations, and the obligations that we have within our community et cetera are a huge benefit to communities. There is no parallel environment for private scooters. They don't have to use an app to get on it. They can hack into the device to make it go fast. There are all of these things that don't affect our organisation or our devices. But I do believe that, as Adam's alluded to and I think we all agree, we need a central body. That central body should be saying, "These are the minimum safety standards."

As an industry we are awful at this, but we say we're going to do stuff that we can't actually do. Let's vet it. Let's actually get a baseline of safety across New South Wales that says, "This is the standard. If you haven't got this, then at the moment you can't operate." And let's make it a high standard. Let's not have loopholes or anything else we can get through, or be able to buy your way around them or whatever it is. Let's set a standard that actually puts safety first in the community in New South Wales to get rid of the accidents. No-one hurts more than myself as a parent when you hear about the young kids that come off not wearing a helmet, going too fast and breaking the rules and so on. It's behavioural. As a parent, I try to teach my kids to do the right thing. As an organisation, we want to take an active role in making the riders do the right thing. We need your support to do that.

The CHAIR: In terms of what Ario just said around the central authority setting those standards, I think Lime made that point very clearly in your submission as well. Is that correct?

WILLIAM PETERS: That's correct. Two very quick observations on the regulatory ID framework: We recently launched in Japan, with a lot of different standards that we've had to comply with and lead on. That's certainly possible. I'm just concerned about the discrimination that could occur when you require IDs. Certainly, from an education standpoint, Lime leads that at the forefront of making sure people understand the local rules.

The CHAIR: I will go to Zipidi very quickly.

STEPHEN COULTER: If we can just talk to the safety and quality, as we said earlier, NSW Fair Trading brought in new regulations around e-bikes, e-scooters, e-mobility and lithium ion batteries in August this year. That becomes effective from February 2025. That includes $825,000 fines for companies that operate or sell scooters, bikes or batteries that don't comply with New South Wales regulations and fines of up to $82,500 for individuals that have illegal products.

New South Wales is the first State to mandate that the world's best standards are required for a product to be sold or used in New South Wales. We're working federally and with the other States to encourage them to adopt the same provisions that New South Wales has recently brought in, and the UK and the US are currently bringing in some revisions. In terms of the safety of the devices and the quality of the build of the devices, as well as their electrical systems, a solution already exists and has been mandated and legislated in New South Wales that applies across all private and shared devices from February 2025.

The Hon. MARK BANASIAK: Some of you raised the helmet issue. Would all of you support a regulation that mandated technology that the helmet stays with the vehicle or the e-scooter or the e-bike? For example, I have here a Lime helmet that was up a tree on my way from the hotel this morning. I'd say 95 per cent of not just Lime bikes but the Hello bikes as well, and even the orange e-scooters in Wollongong, do not have

their helmets with them anymore. You can take that helmet away with you, Mr Peters, because I don't need it! But do you support a regulation that mandates a technology that, essentially, you can't ride the scooter and there's a kill switch that locks it?

WILLIAM PETERS: Thank you, Mr Banasiak, and I will take that helmet back. We've deployed about 30,000 of those helmets in Sydney alone. It's one of those frustrating things; maybe we made them green and they look nice. But supplying everyone from DoorDash to the Uber riders—

The Hon. MARK BANASIAK: It's a cost to you as a business to keep replacing them when they go walkabout, too, so it's in your interests to mandate some sort of locking mechanism.

WILLIAM PETERS: Yes, it's a huge cost to the business. It's something that we're actually working on with the Victorian Government right now. We've gone through a live demo with them on that exact technology that you're speaking about. We actually got a local Melbourne 3D lock expert. It's a lot more complicated than I thought to make sure, at a scale, that the helmets actually stay with the vehicles. It's something that we're certainly working on and no doubt we have planned to roll that out across the whole fleet.

ADAM ROSSETTO: Thanks, Mr Banasiak. That's a great question and I really appreciate you asking it. We have technology today in New South Wales that can solve that problem. We do it using a very old technology: RFID tag. If you go to David Jones and try to steal a dress, it beeps. We have an RFID tag uniquely paired between the helmet and the vehicle so we know within 99 per cent accuracy—indeed, 100 per cent accuracy—whether that helmet has been returned to the vehicle. Our proof point is that in Auckland, where we have run a three-month trial for our e-scooters, with this technology alone we have seen incredible helmet compliance. If people don't return the helmet—and this is where the stick comes in—they get charged $50. No other operator at the moment has the technology to validate with 100 per cent accuracy that the helmet has been returned. It does exist. It costs more. There's a cost to the operator to do it. We've done it and it's available.

The Hon. MARK BANASIAK: Can I go back to you, Mr Peters, in terms of the comments you made around the 99.9 per cent injury-free record globally. Is there any more data around that, particularly around Sydney? I was asking the question of the councils previously when I think you were in the back there listening. How do you record whether it's injury-free or not? Does a user report to you, "Hey, I fell over and scraped my knee"? Is it only hospitalisations? Is there some sort of impact recognition? How do you determine whether someone is injured or not to contribute to your stats?

WILLIAM PETERS: It's a very good question and it's something which we've been working on globally. We've got a global trust and safety team that analyses this. With our contracts with a lot of councils, even though in New South Wales this is slightly different, we have to keep track records of this—also for our insurance.

The Hon. MARK BANASIAK: The question is how do you keep track or record of it. Is it a self-reporting system where the user reports to you, "I fell over"?

WILLIAM PETERS: We will try to gather information from all sources. Whether the vehicle detects it—we can detect if a vehicle has actually come into an incident and we'll follow up with that. If it's self-reported through our customer support channels, if it's reported through the media, if it's reported from the council perspective, or if it's reported from New South Wales hospitals, we'll track that. We try to track every point of contact that we possibly can. Unfortunately, if someone was to scrape their knee riding a vehicle and they didn't deem it worthy enough to report, we just can't get that data. But in terms of the stats that you asked about, in Sydney there were 38 incidents involving a Lime vehicle out of 2.9 million rides taken by 360,000 riders. That comes down to, if you use a Lime, you are 17 times less likely to be injured than the rate of general cycling.

The Hon. MARK BANASIAK: On 29 November last year I witnessed an e-bike travelling down Hospital Road at night. They veered into the side of a parked car, they limped off—plenty of people saw it—and there was clearly third party property damage to that vehicle. Would that data have been recorded by that e-bike and what's the mechanism for recouping that third party property damage?

WILLIAM PETERS: I can take that on notice. I'm not aware of that specific incident claim, but I can certainly come back.

The Hon. MARK BANASIAK: It's just an example of not only potentially someone not reporting their own injury—because clearly they were probably intoxicated when they hit the car—but also that issue of third party property damage when you have these e-scooters and e-bikes coming into collisions with vehicles.

WILLIAM PETERS: Certainly. That would be covered under our insurance. It's something that we do see. If we see claims from individuals on third party, regardless of whatever the rider is doing on the trip, that third party is covered.

The Hon. MARK BANASIAK: Can you provide any stats in terms of Sydney, based on how many third party claims you've had?

WILLIAM PETERS: I would have to take that on notice.

The Hon. MARK BANASIAK: I'm happy for you to take that on notice.

The Hon. WES FANG: I'm interested—and it's interesting that Mr Banasiak followed in on this topic. We talked about licensing earlier, but what about registration? When you've got a circumstance where a third party accident occurs, we've talked about the view that it would be discriminatory to have licensing or identification in requirements of hiring. How do you then follow up if there's a serious incident or accident—say a pedestrian is knocked over—so the liability of that rider can be followed through, if you're not identifying who the rider is, if you're not able to confirm identity and licence and make sure that the person who was hiring the vehicle was actually the person operating the vehicle? There's a number of issues here, as Mr Banasiak has said, for insurance. How are we going to manage that issue?

WILLIAM PETERS: It's a great question, Mr Fang. From a Lime perspective, we have our user agreements, which are very clear on what you can and cannot do. In terms of identifying the rider, all rides must have a payment method. When there is a police investigation and we receive information, we can chase this down and we can provide this under the right legal circumstances. In that case, on anything that's a serious incident like you alluded to, we haven't been unable to identify a rider who's rented a Lime vehicle, on my understanding.

The CHAIR: Ms Weston, would you like to come in on that?

KRYSTYNA WESTON: Yes. I think we need to be careful to not conflate own-your-own and share operators. We have an insurance background, so we have insured operators around the world in the past. Operators here in Australia are held to very, very high insurance requirements. They're among the highest in the world. I won't share the quantum of premiums, but they're phenomenal in terms of what it costs to pay to play here in Australia from an insurance perspective. The situation in the own-your-own environment is quite different. There is no concept of compulsory insurance in the own-your-own environment and we know from our conversations with underwriters that it would need to be compulsory in nature for anybody to even take a look at this market and want to insure it. We're having insurers leave this industry in droves. They've mis-priced issues in the industry, so we would need something that's compulsory in nature.

But to go down that path, there's quite a lot that would have to take place. You would need to—as you were talking to—consider registration of vehicles. Then you would need to ensure that you were only registering compliant vehicles, so you need to ensure there's a compliance process. Singapore has these processes in place. There are models in other jurisdictions that we can follow, but we need to also make sure if we go down that path—and we've had this question posed to us by other State regulators—that there's still equity of access. This form of transport is something that a lot of people that don't have so much money, or don't have driver licences, for example, adopt. If you go down this path of e-bikes, e-scooters, where do you draw the line? Do you encourage it for ordinary bikes? You can't just do it for scooters, for example, and not do it for e-bikes. It's a much bigger conversation that has many, many other consequences for process, policy, compliance and management.

The Hon. WES FANG: I accept that insurance issue. I guess the other part of it is a registration requirement. For example, where there's been a person knocked over with an e-bike, there's potentially no way, if they don't stop, of identifying who that rider is.

KRYSTYNA WESTON: Yes.

The Hon. WES FANG: You can use the payment method if they've come off their bike and the bike's broken, but if they keep riding then you've got no opportunity to discover that. A registration plate with an identifying number on it would allow somebody to say, "It was bike No. 25 that knocked that person down." At the moment, we don't have that. Is that something that we should be considering when looking at these matters?

KRYSTYNA WESTON: The operators have a vehicle ID, so they know exactly what vehicle was involved in any particular incident, and that tracks back to their datasets, and it's included in any reports to their insurers. We know other jurisdictions have a form of light registration or light licensing. We see that in Germany. We see that in Singapore. We see that in other jurisdictions.

The Hon. WES FANG: From what you're saying, there's GPS tracking on these devices at all times, so if there was an incident at, say, 3.45 at the intersection of X and Y, we can then identify that vehicle.

STEPHEN COULTER: If it's a shared one, you can.

KRYSTYNA WESTON: If it's a shared one, absolutely.

The Hon. WES FANG: That leads to my next question: How do we protect the privacy of that data?

WILLIAM PETERS: That data is already protected. There's a global data standard called MDS—mobility data specification—that was developed originally in the US and is now used worldwide by all shared mobility operators. That operates under the European GDPR regulations around data privacy protection. It's already anonymised data, and every ride is tracked literally every second of its journey. When an accident occurs, the actual vehicle can be identified. Then the operator, like Lime, that maintains the customer records can match that vehicle to the registered rider at that time.

The Hon. WES FANG: My last question is do companies store it in Australia?

The CHAIR: Sorry, we are out of time.

The Hon. WES FANG: We need to know if it's stored in Australia.

The CHAIR: Order! You have asked three questions and we are out of time. Thank you very much for appearing, everybody. We will get back to you if we have supplementary question. We really appreciate your evidence today.

ADAM ROSSETTO: Madam Chair, can I make one correction? When Ms Ward asked if we had been consulted regarding the announcement yesterday, in fact, we had been involved in the Transport for NSW stakeholder meeting, and I did fail to declare that.

The CHAIR: Thanks for that clarification. The Committee will now break for morning tea.

(The witnesses withdrew.)

(Short adjournment)

Mr EAMON WATERFORD, Chief Executive Officer, Committee for Sydney, affirmed and examined

Ms HARRI BANCROFT, Policy Manager – Mobility, Committee for Sydney, affirmed and examined

Mr PAUL NICOLAOU, Executive Director, Business Sydney, sworn and examined

Mr DAVID JONES, Media and Policy Manager, Business Sydney, sworn and examined

The CHAIR: I welcome our next witnesses. I assume that you have a short opening statement for the Committee?

HARRI BANCROFT: Yes, we do. I will make the opening statement on behalf of us both. The Committee for Sydney is an urban policy think tank and an approved research institute, and we are committed to supporting Sydney in being the best city in the world. We are supported by over 150 members, who make up some of Sydney's most significant institutions, including businesses, communities, universities, and the not-for-profit and cultural sectors. Most critically, today we want to get across that micro e-mobility has numerous benefits. They include decarbonising transport, reducing traffic congestion, boosting local businesses, reducing government expenditure on disease related to sedentary lifestyle, and making riding more viable for women and children. It's also worth noting that riding an e-bike or an e-scooter is quite a lot of fun.

Something that we already knew before making our submission, which has been confirmed by reading the other submissions that have been made to this inquiry, is that there are really two key concerns to be addressed here. The first one of those is that there's a concern around the safety of people walking on the footpath, if people are riding either a shared or a private e-scooter or e-bike. The second key concern is around shared e-bikes and e-scooters cluttering the footpath and that causing potential risk to safety as well but also just being a bit of a nuisance. We believe that these two challenges can be addressed. The first challenge to address there is safety for people on the footpath who are walking. We think that it's pretty understandable that people are concerned about this, but we would like to highlight that if you look into crash data in New South Wales, people walking on the footpath are far more likely to be seriously injured or killed by a car that has mounted the footpath than by being seriously injured or killed by a bike or a scooter.

The importance of this data is about putting that experience into context and putting the risk to safety and harm into context. We know that often people are riding on the footpath, particularly if they feel unsafe riding on the road because of the conditions on the road, the speed and the traffic. Sometimes it may be a case where people are looking after their own safety by cycling or riding a scooter on the footpath. We think that the solution here really is about infrastructure for people so that they can ride safely. We build roads for cars and footpaths for people to walk, so making sure that we have safe cycling infrastructure is really key. The second issue around parking is really simple to fix as well, thankfully. If we can dedicate some space in the kerb lane, just as we do for cars, for shared mobility schemes—one parking space for a car will generally fit up to about 12 bikes, maybe a little bit more—that can reduce clutter on the footpath. There's somewhere for people to be parking the shared mobility that they are using. That's it for our opening statement.

The CHAIR: Thank you very much. I note that the witnesses from Business Sydney are on their way. They thought that they were starting a bit later. When they come in, we will swear them in and direct some questions to them.

The Hon. MARK BANASIAK: Their e-bike battery was flat.

The CHAIR: I was interested in your evidence just then about the crash data. Where did you say that data came from?

HARRI BANCROFT: That data is on Open Data New South Wales, which is provided by Transport for NSW. I believe it is called the New South Wales road crash data, and it has been referenced in our submission.

The CHAIR: Thank you very much for the table that you have provided in terms of the recommendations for each level of government, particularly in terms of the regulatory settings. At a State level, you say the Roads Act and the Road Transport Act need to be amended to better reflect the needs of all road users. Could you explain to the Committee what the issue is now in terms of that legislation and how it needs to change?

HARRI BANCROFT: Certainly. Some of that I may take on notice if you would like more detail. Essentially what we're saying needs to happen there is—currently the Roads Act is written as if the only user of a road is someone driving a car and we know that that is not the case. We know that the road is used by people riding bikes and e-scooters, and people boarding buses as well. Reviewing that Act takes into consideration the different types of road users and therefore puts preferences in to align with the Road User Space Allocation Policy, which would help to ensure the safety but also the priority of more vulnerable users of the road.

The CHAIR: Just before I throw to Mr Banasiak—and, again, you may need to take this on notice— are there other jurisdictions that get that right in terms of the legislation and all road users, which we could have a look at?

HARRI BANCROFT: I will take that on notice. In Australia, I would say that it's similar everywhere. Looking to overseas, there are better examples—London, notably. Eamon has just pointed out to me that in Queensland they have updated their road rules to better reflect the different types of road users, particularly vulnerable road users.

The CHAIR: Interesting. We will go to questions from Mr Banasiak now.

The Hon. MARK BANASIAK: I might go to some of those specific suggested changes that you have put in your submission. You talk about amending rules 64, 65, 72, 73, 74, 75, 80 and 81, for example, which all relate to pedestrians crossing roads from a footpath. Currently, bicycles aren't allowed on footpaths unless the rider is under 16 or an adult is accompanying that rider. Do you think making changes to these rules would add a level conflation and confusion?

EAMON WATERFORD: Essentially this is in relation to giving way to a pedestrian crossing the road. They won't be crossing at a footpath; they'll be crossing at a pedestrian crossing, hopefully. But it may also be that there's a cycleway that crosses a road. You would ideally want the cars to be giving way to the bikes because the harm to the cyclist is significantly greater than the harm to the driver. That's the underlying principle of why we want cars to give way to pedestrians. In those sorts of circumstances, currently, the road rules have no guidance around giving way to cyclists—for example, crossing from a cycleway, still legally using their bike.

HARRI BANCROFT: Can I add to that? As you mentioned, if you're under 16, you are allowed to be riding on the footpath. At the moment, the road rules, given that they only cover giving way to a pedestrian, would mean that a child on a bike crossing a road legally doesn't have right of way.

The Hon. MARK BANASIAK: You talked about amending road rule 129, which talks about how a driver on a road, except a multi-lane road, must drive as near as practicable to the far left side of that road. If we created an exception for bicycles and e-mobility riders, that would then give them the ability to ride anywhere on the road within the direction of the traffic flow. That contradicts your argument that you want separate lanes. Why would we change a rule if our plan is to create infrastructure that has separate lanes? One would negate the other.

EAMON WATERFORD: Yes, ideally you would have those separate lanes. Practically speaking, there are many places where it is legal to ride your bike on the road where we don't have those lanes and we're not going to get them anytime soon. So it would be for those circumstances.

The Hon. MARK BANASIAK: Additional to that, currently we have the one-metre and 1.5-metre rules around overtaking cyclists. The exception would then allow an e-scooter or an e-bike to ride in the middle lane. How then would a driver safely overtake that person? And wouldn't that just add more congestion to our roads?

EAMON WATERFORD: Yes, there would be a trade-off. I would note that many cyclists will report that they don't feel safe riding on the far left of the road and that that 1.5 metres—

The Hon. MARK BANASIAK: Do you think they feel safer riding in the middle of a three-lane highway?

EAMON WATERFORD: Yes, because it's clearer to a driver coming up behind them that they can see there is another user using the road. When they're on the far left there is a tendency for some of that overtaking to happen unsafely.

The Hon. MARK BANASIAK: Do you have any data around cyclists' feeling of safety between left and middle lanes? I would be interested.

EAMON WATERFORD: I'm very happy to take that on notice. I note some of the people giving evidence in a couple of days time, like Bicycle NSW and the like. It would be well worth asking them those sorts of questions. If we have data, it would be from them.

The Hon. ANTHONY D'ADAM: In your submission you talk about improved safety for women and gender diverse people. Can you elaborate on that?

HARRI BANCROFT: Certainly. In terms of e-mobility, e-bikes particularly are a really important tool for making women feel more comfortable riding a bike. Typically, they allow women to make easier trips when they are carrying kids' backpacks or maybe they're carrying some shopping. There is a lot of research that has shown that women are much more likely to uptake using an e-bike than a regular bicycle, and the research shows that it is because it makes women feel a little bit more confident on the road. They may feel that they aren't as

strong as a man, so can't move as quickly if they need to get out of the way, or that they can't lug around what they need to take with them on their day-to-day journey. So it's been shown that e-bikes are really, really helpful at making cycling much more approachable for women.

The Hon. ANTHONY D'ADAM: Coming back to the cycling infrastructure question, what do you think is the major barrier to an expansion of the dedicated cycleway infrastructure?

HARRI BANCROFT: I think that there are quite a lot of different barriers: There are perception barriers that create some political barriers, there is funding, and there is a lot of planning that needs to take place if you are changing the space and how we use it on the road. I note that dedicated cycling infrastructure is really important and having a core network of that is really important, but I would also add that we can make our roads safer for people to be cycling without actually having to always have dedicated cycling infrastructure. So if we looked at reducing the default speed limit from 50 kilometres per hour to 30 kilometres per hour, you'd drastically reduce the risk of death if you were in a collision with a car. And in doing so, that makes people feel a lot safer to be cycling on the road and sharing that space on the road than if they are on a 50 kilometre per hour or a 60 kilometre per hour street.

We have seen that in London, in particular, where they have lowered their default speed limit and they have had a really big increase of people riding on the road because they feel much more comfortable to do so. So where there is fast-moving traffic—that is dangerous and has a high risk of harm for people cycling or on an e-scooter—I think, yes, we need to make sure that we have safe, dedicated cycling infrastructure there. But if we were to slow down traffic in other areas, that can make the road a much safer space to be cycling, without having to build that infrastructure.

The Hon. ANTHONY D'ADAM: Can I ask one more question?

The CHAIR: Order! We have just had new witnesses arrive. I welcome and thank the witnesses from Business Sydney. We might take an opening statement from you—if you have an opening statement—and then continue with questions. I assume there is a short opening statement from one of you.

PAUL NICOLAOU: Yes, if I may, Madam Chair. Thank you very much, and I congratulate the Committee, the Government, the Opposition and all independent players involved in this inquiry because it is very important. It is an issue that we've been advocating for for a number of years and it's great that the inquiry has now been established and is looking into the whole aspect of e-bikes and e-scooters. As we've seen over many years, e-bikes have played an instrumental role in helping to move people around the city and around the suburbs, but they have literally been dumped in places where they shouldn't have been and we have been calling for consistency in rules and regulations in relation to e-bikes.

We're conscious that the Government has just made an announcement in relation to e-scooters and, again, we really are supportive of e-bikes and e-scooters, but we need to have a framework around the regulation that is consistent right across the State. It cannot be that one rule sits with Waverley Council and another rule sits with the City of Sydney. We need to have consistency of rules. Also, what is really important is the enforcement factor. That's very important. We're glad to be here and we're glad to be able to give evidence for this inquiry.

The Hon. ANTHONY D'ADAM: I want to come back to the Committee for Sydney and ask for some examples of how e-mobility is good for local businesses.

EAMON WATERFORD: We did a bit of a global scan of evidence related to cycleways, improvements to pedestrian access and improvements to cyclist access to local businesses. What we found is that consistently all the evidence says the same thing. Local businesses tend to overestimate in their own mind how much money they make from customers that arrive at their business by car and underestimate how much they make from customers arriving at their business either on foot or by cycle. We can provide on notice the specific details of those studies. They are numerous. They are global. I mentioned pedestrians in that, which of course is not the purpose of this, but there is also a tendency that if you improve the experience for cyclists on a street you tend to make it also a better experience for pedestrians, as long as those cyclists are kept off the footpath, because it tends to slow it down, feels less busy, feels less noisy from cars, buses et cetera.

There is a pretty hefty global set of evidence that says that local businesses benefit from improvements to cycle infrastructure that contribute to cyclists spending money at their local businesses. Part of that is related to the fact that more of them can get access. Local businesses might only have two or three parking spots out the front and typically there's only one person in those cars, so only a couple of customers can access the business. But part of it is also about lingering. They might stop to go to one shop but, while they're there, they will continue to shop down that street, whereas if you're in a car you might get back in the car and head off and only have done that one shop. It's both an additional number of customers and a larger spend by those customers.

The Hon. ANTHONY D'ADAM: Perhaps Business Sydney might have something to offer about the economic benefits of e-mobility. Do you have some views on that?

PAUL NICOLAOU: Our members are concerned more about the aspect of the e-bikes being left outside their stores and preventing people from getting in. A lot of the times they have to move the e-bikes away from their entrances. A lot of our members have also told us that the bike lanes that have gone down Castlereagh Street have been problematic for them as well. We just need better planning in relation to where the bike paths are put. Also, our members are concerned with the speed at which e-scooters have been ridden through the streets. We just were walking up Macquarie Street and we nearly got collected by a lady on an e-scooter. Thankfully, she was wearing a helmet and she dodged the people. We are very keen, and our members are also keen, to ensure that e-bikes and e-scooters are ridden on bike paths rather than on footpaths and rather than on the roads as well.

The Hon. NATALIE WARD: Thank you all for coming along and for your thoughtful submissions to the inquiry. Mr Nicolaou, your submission talks about the commercial aspects. I think you stated in there that you see the challenges around regulation for operators who are under-resourced and unable to satisfy the guidelines. You say that councils, as the regulatory authorities, are similarly under-resourced to enable proper adherence to the guidelines and that you foreshadow, in the absence of improved performance by both sides, the possibility of bike shop owners withdrawing due to the commercial challenges. We've seen that in other jurisdictions. What is the answer to resourcing, both for councils and for operators? Where do you see that responsibility lying?

PAUL NICOLAOU: I think that by working with the operators, government and councils working together collaboratively, we can find solutions. We think that it may be worthwhile having two operators of e-bikes and e-scooters rather than having a plethora of them, and we also should be looking at the technology. The technology has advanced since the days when we first remember seeing many bikes just being dumped in our cities. These bikes now, and e-scooters, have really improved with respect to technology in geofencing, controlling the speed, safety and so on. I've seen one operator who has got one where the e-scooter cannot be moved unless the helmet is with the e-scooter. So there is that technology now that has advanced so much that we can really look at utilising those new operators with the new technology to ensure that they're ridden safely, they're placed safely wherever they've been left—or, alternatively, we now encourage council, government and the operators to provide bays where these bikes and e-scooters can be left after they've been used.

The Hon. NATALIE WARD: The technology is obviously funded and the research provided by those operators; they're wearing that cost. In terms of the infrastructure you're talking about, the parking bays, who should be looking at that, making the space available and also paying for that infrastructure?

PAUL NICOLAOU: In relation to where they should go, I think it's a combination of both business, government and council working together to determine where those places are, especially whenever there's a new building being constructed. Maybe there can be provisions made in and around the building that's being constructed. In relation to the cost, I think it may be borne by all three players. If we're serious about active transport being an integral part of our city, then we need to be looking at the costs. We are spending millions of dollars on building the bike paths down Castlereagh Street and down Pitt Street. If we've got the money for the bike paths, then we should also be looking at providing money for those places where the bikes and the e-bikes should be placed.

DAVID JONES: I might just add to that. We were asked yesterday whether fines should be increased against the operators and against individuals for bikes being left in inconvenient places. The point we made then, and I think it's a correct one, is that you could triple or quadruple the fines but, if there's no enforcement of the regulations, it doesn't matter what the fine is. If there's no enforcement, it's irrelevant. Also, funnily enough, if you look around the city you will see a couple of examples where you've got metal posts, you might call them, like loops or hoops. If you observe the city a bit, you'll find it quite extraordinary that share bikes seem to congregate around these looped bay areas. It might be as simple, in one respect, as providing some cheap hardware there that looks like a natural place for e-bikes and e-scooters to be docked.

The point I think we're making is that it's a combination. Whatever the regulatory framework is, it needs to be consistent across council areas, it needs to be enforced and there needs to be wide community understanding that this is how you behave and this is what you do with share bikes—and also an understanding on the part of the operators that they're being given an opportunity to do business in our city; therefore, they need to respect the provisions under which they're providing that service.

EAMON WATERFORD: Can I just add to that? I completely agree with much of the evidence given by my learned colleagues. I think that point around—the regulations as they currently stand are pretty substantial, but a lot of the submissions that you'll have seen to this inquiry are people basically complaining about those regulations not being adhered to. What we have there is not really a need, necessarily, for further regulation, but for better enforcement of the existing regulation.

The Hon. NATALIE WARD: That's your summary; that's not my reading of it. My reading of it—I'm just testing the idea with you—and one of the things that we may have heard, or that I am certainly taking from the submissions, is that there is a lack of consistency, there is a lack of understanding, and perhaps the need for regulation might clarify that for operators, cyclists, users, councils, businesses and across the board. It seems to me that there is an overwhelming need for some consistency and understanding around what the rules are. But also, we have heard—and I might ask you to comment on this—about the need for that consistency to be across council areas and perhaps the different dynamics.

I accept that you come mainly from a City of Sydney perspective, and a Sydney commercial perspective, but perhaps where we have heard from other council areas—on the northern beaches, for example, and Wollongong and further areas—there are different dynamics for them. Is that regulation, do you think, something that should be in conjunction with them? And then who enforces that? The question that I think Mr Nicolaou raised is who does that enforcement?

PAUL NICOLAOU: I think it has got to be the State Government, at the end of the day, in conjunction with councils. At the present moment, you've got a number of councils doing trials; some councils refuse to do them. The City of Sydney refuses to do trials. But my view is we should be doing trials and then working consistently with the councils to adopt a policy or regulations that are going to be consistent right across the State. You can't have one council with one set of rules and another council with another. It is ridiculous because people won't know what the rules are.

I think, at a State level, if you come in as the body at the top that says, "These are the rules," and "These are the regulations," then everyone must adhere to them. The same applies with the operators as well. They need to have some clear guidelines as to how they should operate. One of the problems we have had in the past with e-bikes is that they have just come in and there are no rules around them, other than the basic stuff. If we can have a general rule that covers the whole of State, that's much better than doing it on an ad hoc basis.

EAMON WATERFORD: I completely agree. Our remit is greater metro Sydney, so 33 council areas. From an e-bike operator's perspective, I suspect they kind of get bamboozled when they arrive in our city and say, "What do you mean I have to engage with 33 different local governments on this?" Indeed, for many of our councils, they are not resourced up to be able to sufficiently engage in these sorts of complex conversations about where you are doing geofencing or where you are identifying opportunities for street conversion and the like. So some the form of consistent guidelines that still have the flexibility to allow local councils to supplement the guidelines, but to start at the State level makes a lot of sense.

HARRI BANCROFT: If I can just add to that, coming from the experience of having previously worked at a carshare company, which currently at the moment still in New South Wales is only under policy by local councils, there is no State-level guidance on car share. At the moment it's very much running in the same way that shared e-mobility schemes are running. It's up to local councils around parking and around the rules that they want to put in place. What I'll point out is that, while it's difficult to resource for local councils in terms of setting those rules, making policies and talking to other local councils, it also makes a different experience for the user, because they're subject to different rules in different locations that they may not see. You don't see the boundary line, so they may not realise that they're doing the wrong thing here and the wrong thing there.

I think, in terms of parking for shared e-mobility, it's critical that that is local councils providing that parking space. That's what they do for shared vehicles at the moment. There's an application process. They pay the equivalent that a resident would pay for a resident parking permit for that space, and then it goes to community consultation, and that can be turned over for a different use. I think what would be helpful for e-mobility shared schemes as well as, for example, car share or any shared vehicle scheme in New South Wales would be some technical direction and guidance from the State government level, that is then used by local councils for implementation. I would recommend that, if that was looked into, operators were involved in the discussion process, as well as local councils, around what that technical guidance might be, so that there is some level of uniformity, but each local council is able to make it work for them and their community.

The Hon. WES FANG: I just wanted to find out from Mr Nicolaou, in the first instance, where you have spoken about the, I guess, advantages for your members and the city in general, do you think your members would be in a position to contribute in a financial sense for the immediate infrastructure that is required?

PAUL NICOLAOU: They already pay their council rates. Let me give you a classic example: the Fullerton Hotel. I think they pay a million dollars in council rates, and they have a bike lane right past their entrance and they cannot get an 80-seater bus in there because the bike lane has now stopped that ability, so they have lost millions of dollars of business as a result of bike lanes. There is a lack of consultation. The council might argue that there is plenty of consultation, but there isn't enough. If we are going to call on businesses to contribute,

they want a bigger and better say in what type of resources they're going to put into supporting that type of infrastructure.

The Hon. WES FANG: I am not necessarily advocating for businesses to be contributing to this. I guess I am asking who should be paying for this. In circumstances where your members are already paying for council rates, do you believe that putting a further impost on business to pay for this is, I guess, unfair?

PAUL NICOLAOU: It is unfair. My view is that the Government and the councils are already building these bike lanes. Let's ensure that we have parking spots or places where bikes can be parked appropriately when building the bike lanes. We have a bike lane down Pitt Street and there is nowhere to park the bikes. So the bikes are just dumped on the footpath or dumped on the side of a building or dumped on the kerb, or they are just left at the traffic lights and stopping people from moving along Pitt Street. Pitt Street is a nightmare. If you have been down Pitt Street, the bike lane down there has caused utmost chaos for the street. We should be picking streets where you can build appropriate infrastructure to cater for the needs of bikes and e-scooters.

The Hon. WES FANG: I am very aware of the Pitt Street bike lanes, thank you. In that circumstance where I guess we don't want businesses to pay for this, it really comes down to either council or the State Government to pay for that infrastructure. Who do you think should bear the cost of this?

PAUL NICOLAOU: If they are going to be building the bike lanes, then why can't we just carve off some land where the bikes can be parked? I don't see why that can't be done. We are spending all that money now on the infrastructure, and we are all for it. It is not as if we are against the infrastructure but, again, these businesses are already paying their council rates, are trying to employ people and are trying to make a business and make a go of it. If we are going to put further impost, a lot of these businesses will close down, especially in this current climate where the cost of living is having a big impact. The cost of insurance, the cost of employing people, the cost of energy—all of those costs are going through the roof. At the moment, the last thing businesses need is another further impost on the provision of infrastructure which the Government and the council have already committed to building.

EAMON WATERFORD: Mr Fang, can I add to that? To that question, the proportion of funding from Transport for NSW and the Federal transport funding, they put a lower proportion into active transport funding than the proportion of trips that are taken by active transport currently. One way to look at this is to say there is a substantially larger capacity to pay at the State or the Federal level than local government level. We would certainly advocate for aligning the amount that's spent on active transport, whether it's cycleways, whether it's pedestrian spaces as well, to align with the proportion of trips that are taken by that at a minimum.

Ideally, given we want to encourage active transport in increasingly densifying cities, you might want to look above that line. But certainly as a starting point you'd say that it's not getting its fair share of State and Federal funding comparable to the number of people using that, so we could look at increasing that. The other benefit, of course, is that it's relatively cheap compared to other forms of transport. We're obviously big fans of major infrastructure projects, but at a time when you've got fiscally constrained budgets at all levels, active transport investment is a relatively modest cost.

The Hon. WES FANG: In that circumstance, you are really advocating for—and I can't speak for the Federal Government, but you are advocating that the State Government should be contributing a great deal more to pay for infrastructure that I guess aids e-mobility.

EAMON WATERFORD: Aids active transport. That would include e-mobility but of course also includes people walking, people on mobility scooters, people with prams, people on normal bikes and, yes, e-mobility as well.

The Hon. WES FANG: I guess in terms of this inquiry, which is obviously around e-mobility issues, but I understand what you're saying. We've covered off the cost aspect. Mr Waterford, what about the enforcement aspect? We've already heard from councils today that say they're under-resourced in relation to the enforcement aspects. Who do you believe should be responsible for the enforcement aspects of e-mobility? Do you think it's something that should fall to councils, or is it something that's better handled from a State Government perspective, which I assume would be New South Wales police?

EAMON WATERFORD: To be honest, I don't have a lot of expertise in enforcement regimes. If we're talking about saying we want e-mobility to be treated like a substantial mode of transport, that would suggest that we want the New South Wales police or the New South Wales Government to be more involved in that enforcement level. It's a bit different from a parking fine. If you're talking about people riding unsafely or breaking the speed limit, that is a safety issue rather than a nuisance issue. Certainly that would suggest police. I suppose the other thing—and I think this has come through in both our evidence and Business Sydney's evidence—is that part of this can also be solved with better education and better nudges to people. If there are clear spaces to park,

and if there are clear directives to people and some education for them to understand what they should and should not be doing, I think that will also go some way to reducing the need for enforcement because we'll have fewer people breaking the rules. Undoubtedly, there's a bunch of people breaking the rules as they currently stand.

The Hon. WES FANG: I've got one last question, but I know that one of the other witnesses was seeking to—

PAUL NICOLAOU: Sorry, Mr Fang, can I just add to what my colleague has said in relation to technology. Technology has now changed that. That's why we are advocating for operators to bring in e-bikes and e-scooters and make them the ones who will ensure that the e-bike speed is controlled and geofencing. That will ensure that (a) the e-bikes stay within the particular council area; and (b) that they will be ridden at speeds which are safe to be ridden on. At the moment the bikes are not controlled. Yes, they are geofenced, but the speed is not and nor are the e-bikes. One of the other concerns is that certain elements within the younger generation are able to manipulate the e-bikes and can take them, so they don't have to pay for them. They stop them from being geofenced and stop them from being speedy. We need to ensure that we have operators who have got the technology to help us enforce the regulations and also to ensure the safety of those that are riding it and also the public.

The Hon. WES FANG: I think what you're saying, Mr Nicolaou, is that kids these days are a lot smarter.

PAUL NICOLAOU: Yes.

The Hon. WES FANG: Were you consulted by the State Government before they announced this plan? Because I think it was a surprise to almost everyone. Were you consulted prior to their announcement? Were you asked about things in relation to costs? If the State Government or the councils aren't prepared to pick up the tab, I expect that it will probably only be businesses, such as your members, which are actually going to be the cash cow that is going to be tapped to pay for this infrastructure, especially in the Sydney CBD.

PAUL NICOLAOU: We were consulted, because we've been advocating for e-bikes and e-scooters for a long while, but we weren't consulted in relation to the cost and who will pay for it. I think that answers your question in relation to that.

The Hon. WES FANG: So you're [audio malfunction] but you don't want to pay for it. That would be the answer from your members.

The Hon. MARK BANASIAK: Picking up on the concerns that you raised from Mr Fang's questions about the bike lanes outside of the Fullerton Hotel and Pitt Street, what do you think the solutions are to those poorly placed bike lanes that obviously impact other users' safety and amenities for businesses? Do we rip the one up outside Fullerton? What do we do with Pitt Street? Can those issues be fixed? Or is it just a case of "Oh, well, Clover has stuffed up, and we've just got to live with it"?

PAUL NICOLAOU: If you look at each business case, for example the Fullerton, all they want is a bus to park by the side of their hotel because they're landlocked. They've got Martin Place, George Street and then a building, so they're literally —

The Hon. MARK BANASIAK: Yes, I'm familiar.

PAUL NICOLAOU: It's very difficult, and they're losing business. It's a six-star hotel. If a bus can at least park on the side, because there is ample place to put benches, and they are encouraging businesses to put tables and chairs and so on all through Pitt Street. I think that can solve it, because the cost of removing is now going to be a costly exercise to remove the bike lane down there. But the traffic is just a nightmare. You just try to get access to the Fullerton's car park or access to any of those businesses around there; it's just terrible. Maybe we look at each of the issues that are affecting businesses on Pitt Street and work with them to find solutions.

DAVID JONES: It is not just the Fullerton Hotel. You can walk Pitt Street, Castlereagh Street and King Street and you will find businesses that have been dramatically affected, like the Theatre Royal, for example. Taxis can't pull up outside the theatre to set down or pick up, particularly elderly or disabled passengers, because there is a bike lane right outside the theatre. There is a little guy in Castlereagh Street, Alen Harry, who runs the Trinity Jewellers shop. His entire business has been covered up with the construction of the bike lane on Castlereagh Street. The poor guy has been having a nervous breakdown. He is going broke as a result of that.

You only have to walk the current route of the bike lanes to tap on the door of businesses, and they will tell you the sad story of how much it has cost them. The Porter House Hotel has lost a huge amount of business as a result of the construction. That poor guy in the jewellery business endured two years of the metro construction, and he understood all of that. A week after the metro opened, the bike lane construction moved in, and the din down there is just absolutely incredible. The other thing which Paul alluded to is the lack of consultation with

business on these changes. It is not consultation to send out 2,000 emails. That is not consultation; it's not talking to people. But that is what happened.

The CHAIR: That went very quickly. Thank you so much for making yourselves available to give evidence today. The Committee will be in touch if you have taken any questions on notice or if Committee members have any supplementary questions for you.

(The witnesses withdrew.)

(Luncheon adjournment)

Mr SIMON MUELLER, Manager, Integrated Transport, Waverley Council, affirmed and examined

Ms CAROLYN NEW, Transport Policy and Programs, Waverley Council, affirmed and examined

Mr ADRIAN PANUCCIO, General Manager, MidCoast Council, before the Committee via videoconference, affirmed and examined

Mr RICHARD WHEATLEY, Team Leader, Transport, MidCoast Council, before the Committee via videoconference, affirmed and examined

The CHAIR: Welcome back and welcome to our next witnesses. I will go to Waverley Council. Would you care to make a short opening statement?

SIMON MUELLER: First of all, I appreciate being able to be here to have this conversation with you all. I appreciate that opportunity, first and foremost. We, of course, do have some evidence to give today. We are happy to do that. At a high level, again, we really appreciate the State taking the lead on this and some of the recent announcements as well. A number of things are an issue in our council because we do have a very compact council and local government area that you are probably aware of. A lot of people live in a fairly small area. We are a very compact urban forum that puts a lot of pressure on our streets. For us, the ability to manage micro e-mobility devices is something very important for us to be able to get right and to improve upon. There are both benefits and, of course, there are negative aspects that come with this. That is something that is a large concern for our community as a whole and all the folks that reside in it. I am happy to start that conversation today. I will keep it there at a high level.

The CHAIR: And a short opening statement from MidCoast Council?

RICHARD WHEATLEY: I take this opportunity to thank the Committee for inviting us to be a witness today. We commenced a trial on 8 December last year, following negotiations with an operator and Transport for NSW. Our trial focuses on the foreshore, retail and tourism accommodation and we tried to avoid the residential areas to get as positive as possible.

The data is in our submission but, basically, summer holiday trips range from 600 to over 1,000 per day. Our average use during the warmer months is 1,250 per week, and during the cooler months is around 500. The operator is happy with that and is very content to continue. We did receive a large number of complaints from residents in the first month, many not understanding how the trial worked and felt this was a hire scooter where you returned them back to the businesses. But with a bit of education, many understood that. Those complaints have reduced right down. We have one or two who continue to complain who absolutely hate it, but generally the community seems to be accepting of it. The council has not decided whether to continue the trial after 8 December this year. Regarding some of the issues, of course, there is the lack of wearing helmets, some doubling up and some antisocial behaviour. Of course, the biggest issue of all would be what you would call discarded scooters, where people finish a trip and leave them. Many leave them on the footpath, blocking a concrete pathway.

The only other comment I would make is that it would appear that we have gone from distributed scooters to perhaps what I would call littering. In other words, the operator is not getting around quickly enough to move them into logical places and away from isolated locations. We have informed our operator that they need to. It is important to have them distributed around so people can find them when they want but not in locations, particularly, in the middle of private streets. One of the other issues that needs to be dealt with is, of course, private scooters. People see the hire scooters and assume that you are allowed to use private scooters. The Minister has put out a press release on that. We are very keen on the State Government making a decision on the future of hire scooters to provide some consistency for where we head after the trial and make it easier for councils to bring on hire scooters and e-bikes into the future for our area. With the high amount of tourism and visitors, it is something that obviously is needed or liked or wanted in our area.

Of course, the promotion of the safe use of e-scooters and e-bikes, particularly whether they are used on footpaths and wearing a helmet, is important. Policies to reduce illegal and bad behaviour are essential, as are standards and regulations to reduce incidents occurring, not only statewide but also nationwide. All States and Territories are tending to have scooters in some form. The most important thing we need is to improve the infrastructure and to provide bike lanes to discourage their use on footpaths. As a council, we would certainly be encouraging the State Government to fund more, if we continue with hire scooters or private scooters, to allow the expansion of our shared path network. Thank you.

The CHAIR: Thank you very much. I will jump in with the first question and then hand over to my colleagues. I have a question for both of you. We have heard from a number of witnesses today. I don't think there is any doubt that people are saying that we need better regulation, obviously, around micromobility devices. Most

people are saying that we need set rules around them being on the road and being able to use the road. Some footpaths are an issue. We might go into that with this question. But sticking to roads, what do you see as needing to change—I will go to Waverley first—for both e-bike riders and e-scooter riders, whether they are shared or not, on the roads? What can the State Government do in that regard?

SIMON MUELLER: I can go first. I echo the comments already made in the opening remarks of MidCoast Council. It really is purpose-built infrastructure. That is really what the roads and the streets need to support these types of modes. The speed differentials, momentum differentials and energy differentials suggest that that is something that, as we all know, requires its own dedicated infrastructure, both in terms of how we can then manage these modes but also in terms of leveraging the benefits that they may provide and getting people to actually ride them. We know that safe infrastructure is what attracts folks to these modes. There is really almost no way around it. Our perspective would be that the infrastructure on the roads is what is required.

The CHAIR: I want to push on that a little bit, because I think it is impossible in all streets of Sydney and around the whole State to have dedicated infrastructure everywhere. The numbers of e-scooters, both private and shared, and in terms of e-bikes—is just growing at a huge rate. The statistics show that a lot of people are using it to journey from their house to transport, to the shopping. As well as infrastructure, more has to change. People are talking about the road user priorities, speed limits, education. I think Sydney and greater New South Wales are very different to some of the European cities that people often talk about in terms of our attitude and culture and history of cars versus pedestrians and cyclists. Other than infrastructure, which obviously is sorely needed, what more needs to happen?

SIMON MUELLER: Happy to jump on that one in the first instance—to expand on the first part about infrastructure as part of the question, infrastructure has a few different elements to it. Sometimes it is as simple as what we call motor filters. You're probably aware. You basically take a fairly small intervention and make the street quieter—quietways—which is also in the State guidelines as something for us to deliver. That can be what you might call all ages and abilities infrastructure. That's really what I guess my earlier comment was. It's not necessarily dedicated, but it is getting it to a point that it's comfortable for all ages and abilities. Some jurisdictions will call that AAA, what have you. There are different ways to label that. That's what encourages those people.

To the question, that's a little bit where we need to get to as well. What that also means in one way or another is reducing vehicular traffic. That's a very challenging endeavour, as we all know, for us to do. There are, again, infrastructure ways to do that but there are other policy measures that can be used to support those types of things. Strictly speaking, we usually stay away from those, but those demand-side measures are something that I think are in the toolkit for us to hopefully leverage over time. We do that at a council level to some degree, including parking management and things like that, but our toolkit in that sense is somewhat constrained as well.

With regard to speed limits, that is probably another aspect where there is some room to manoeuvre. Our council is moving towards 40 kilometres per hour, working with Transport for NSW on implementing that. There is probably a need to think about that as even lower speeds—30 kilometres per hour, if not even lower than that—on some specific streets. Ultimately it's about providing that regulatory framework that allows councils to, in line with State guidelines, potentially move forward on those items in some ways more independently or as they see fit, given that each council within the State has very different—as I'm sure our colleagues can attest to—urban conditions and the like. So it is something I think that we would be very interested in as well, as part of that infrastructure rollout—that ability to move towards an all ages and abilities type of network basis.

The CHAIR: Mr Panuccio or Mr Wheatley?

ADRIAN PANUCCIO: I don't disagree with any of that. For us, a focus on safety is quite important, so either having a speed limit or putting restrictions in the actual items to an actual speed limit would go some way. I agree with the comments on infrastructure, because that's always an ask, I suppose: what we need the infrastructure for. It may not be just about paths and dedicated bike lanes; it might be the infrastructure around when you adopt these things. That's quite easy. That could be provided, if it's a hire service, by the provider—or local government or State government or whatever down the track. But I think an education program about a different type of mode of transport is important. Safety can be addressed by managing the speed limits by a number of ways.

The Hon. MARK BANASIAK: I have a general question to both councils. Would you support a technical solution to the issue of helmet use—that all companies that are providing these e-scooters or e-bikes have to have a technical solution that the bikes or the scooters can't be utilised without the helmets? Because obviously that's an issue. You see a lot of people riding these things without helmets. Obviously it's still a law that you have to have a helmet when you're riding a bike. Do you think that might assist?

ADRIAN PANUCCIO: I can take that. Yes, I totally agree. That is something that we would support. One of the major complaints at the start of the trial in December last year was that with a pushbike, council ensure that people wear helmets—well, we can't. It's obviously a policing matter. If there's some sort of technical solution that you can't actually activate it and use it without the helmet, yes, we'd definitely be in support of that.

RICHARD WHEATLEY: I'd just like to follow up. We've had bicycles for 150 years and scooters, particularly electric scooters, are very, very new. I think the public needs to get used to it. I think education and enforcement, such as helmets—I remember, growing up, that I never wore a helmet. But kids now wear helmets from the moment they hop on a scooter or a pushbike and they just naturally continue to wear it. I think scooters are the same. I think, given time, people get used to it. People learn how to use it on the road network. That comes from enforcement and education, whether it be antisocial behaviour or wearing helmets. I think that's the one thing that can only cure it, and that is time—having it out there.

The Hon. MARK BANASIAK: But to be completely frank, the helmet laws in this State aren't being enforced by the police. That's quite clear. A regulation that stopped these being used without a helmet would probably be a lot more cost-effective solution to this issue, would you agree?

RICHARD WHEATLEY: Yes, I would, very much so.

CAROLYN NEW: What I would say is that we've had now seven years experience in Waverley with the share bikes and helmets. Right from the beginning, they had helmets provided and they disappeared very rapidly. There was one stage where everyone was saying Lime was providing helmets for all of Waverley. There have been steps along the way where the bike operators have said, "We're going to do this and that will make sure that you have a helmet. It's locked in here and it happens," and it hasn't worked. Over and over again, this has worked. We recently were approached by another operator who is coming to Waverley in the future. They have a brand-new, whiz-bang thing, so I'm very keen and interested to see how it works. I think it's a challenge to do it. I think it is useful because I would rather see people using the helmets than not. But, on the other hand, I also feel that it's not an area that we should put too much concern in. I'd rather see it dealt with by technology than to see the police waste their time trying to chase people down everywhere.

SIMON MUELLER: If I may add on that, to your question and to the one from MidCoast, I think that's something we want to look at as part of a technical solution. I would approach that very cautiously as making that an absolutist part of the regulatory framework, because other jurisdictions have shown, kind of to Carolyn's point, that where that's tried it is hard to manage. To try to make it an absolute that it only works insofar as the technology is, let's call it, bulletproof that the helmets can be provided, it's going to make that a challenging thing for anyone to actually deliver on. I think there's probably a very nuanced sort of thing. You'd have to look at that and operate in a bit of a grey area there.

The Hon. MARK BANASIAK: This is a question to both of you. Something that's come up during this inquiry through submissions is the concept of regulating the number of providers of these shared mobility devices in an LGA. Would you support a limit on the number of providers in your LGA? What would that limit be, if you did support a limit at all?

CAROLYN NEW: We in Waverley of course have had seven years of bike share operators. We've had from about six operators down to none, then to one and then up and down—all sorts of numbers. We have no control of it. That's our problem. We have absolutely no control over who comes. But, thankfully, all of them have tended to talk with us. I would say, personally, that it has worked, but it worked very well when there was one operator and was not too bad with two. But I think once it gets beyond that, it does become difficult. Two operators at least gives some sort of competition.

The CHAIR: I'm curious about this. Exactly why doesn't the council have any control over the shared bike schemes that come in?

If you're a shared bike operator, what is the process for saying, "We want to go and pop our bikes into Bronte, Bondi or Coogee." What do they do?

CAROLYN NEW: Theoretically, they could just drop the bikes in, but most of them have the decency to actually contact us first and say, "We're going to drop your bikes in."

The CHAIR: Just to be clear, there's zero framework? What's the framework?

CAROLYN NEW: The framework is only in pick-ups—in how long they are left and how unsafe. They have to be reported, and they have a period of time. It could be a week before they have to be picked up, so there is some control.

The Hon. MARK BANASIAK: Under what regulation is that pick-up time?

CAROLYN NEW: That's the public spaces one, I think it is. Originally, there was nothing. When we first started, there was nothing. There were about six councils that were involved in this, and we put together our own guidelines together, as a group. A lot of those then rolled into the first, which was the—there was a previous Act it was rolled into, to do with leaving things lying around.

The Hon. NATALIE WARD: I think it's seven days or something—sorry to interrupt you. It's got to be there seven days or something before you can pick it up.

CAROLYN NEW: Yes, it's about seven days. To be honest, we've found that when we report to an operator, contact them and ask to get one picked up, it usually gets picked up. But what we have no control over is how many bikes are put out or exactly where they are. We do talk with them and they do respond, but there's also the issue of where the bikes are returned. It's not necessarily where the bikes are being deployed, but where they've been returned. They may just be left in the middle of a footpath, for example. Those are usually the cases we chase up, much more than the deployment of them.

The Hon. MARK BANASIAK: I'm just conscious that I want to hear from MidCoast Council on this in terms of the number of operators, given you're a regional council and it might be a slightly different answer.

RICHARD WHEATLEY: We've run the trial, following the legislation from Transport for NSW, for e-scooters. We've never had e-bikes. The operator put out 150 of them, and that would seem to be a fairly appropriate number for the Forster-Tuncurry area, which is visitor and tourism usage—not a lot of locals. It's hard to tell, but we don't think there are a lot of locals using them. They said that if they were to stay then they might put more out during the summer holidays when the visitor numbers are up, and perhaps reduce them down—or perhaps they've already reduced them a bit—during the cooler months. I could not imagine two operators surviving in the Forster-Tuncurry area. You're unlikely to leave that area because you're entering State highways or rural roads to get to the next area. For a rural area, you are looking at either a town or a tourist location like Forster-Tuncurry. I could not imagine two being financially viable in our area, but that's something that we'd have to look at in the future should we go on a permanent basis.

The Hon. NATALIE WARD: Just to clarify, we got some information that in 2017 six councils developed guidelines for bike share operators. But in the absence of statutory requirements for bike share companies to comply, in November 2021 the former Government introduced the Public Spaces (Unattended Property) Act, which might be what I called the littering Act. My understanding is you need some time for it to be there, but it can be utilised to remove share bikes from public land if they're poorly parked, interfering with public amenity or causing obstruction. But the fact that all of us aren't clear on that probably says that it needs some clarity around it. Can I just go to a couple of your comments to follow up, then? I think there are three things: regulation, infrastructure and enforcement. Of those and of the issues that you've identified, what does council need help with the most? I get that it's like trying to pick your favourite child, but give it a shot.

SIMON MUELLER: I'll give that one a shot first. Definitely, I would call it the first two in the first instance. Those two, done well, will reduce the resource pressures on the third one.

The Hon. NATALIE WARD: So regulation and infrastructure first, assisting with enforcement.

SIMON MUELLER: Yes. The one thing I would add to the earlier question that kind of leads into the question just posed is that this Act, as confusing as it might well also be, is also something that is resource intensive for us to manage. Even if we were able to really follow it to a tee—to tag bikes and really manage where each one is at a given time and how long it's there, and then have our crew actually go out to do something about that—it can be very resource intensive, and it's something we just don't have. I think if we focus on the first two aspects, a regulatory framework that is conducive to the other two is probably the very first one we want to get right because it paves the way for the other two things—the infrastructure and then the enforcement. So just being a bit more clear on my initial answer, to get the regulation, I think—the regulatory framework—as right as we can is most beneficial.

The Hon. NATALIE WARD: And MidCoast?

ADRIAN PANUCCIO: Yes, somewhat agree—regulation first and then infrastructure. We don't have capacity to enforce. A lot of the breaches on the e-scooters would relate to speed and would relate to helmets, so they're policing issues anyway. We're a large LGA, as far as area, and we're not as dense as the Waverleys or the metro councils, so the use would be different up our way. But, largely, enforcement is a policing matter, so you look at your regulation and infrastructure.

The Hon. NATALIE WARD: Given that's the case in relation to regulation first, would you say that's better being uniform across the State, even given the differences between dynamics in different council areas, just to have the certainty?

ADRIAN PANUCCIO: I would say so. Yes, 100 per cent, because we need to work under the same rules within the same State, so they shouldn't be too far removed and there should be some discretion. I mean, there was a discussion earlier about why doesn't council regulate, I suppose. We can't regulate putting pushbikes in a spot; likewise, we can't regulate where people leave their scooters, but there should be some scope for councils to regulate, like a trial e-scooter scheme within its LGA, because it's using council infrastructure for the purpose of profit. There should be a mechanism, I would have thought, for council to be part of that discussion so we could put things in place. If there's infrastructure required, the private provider should be able to provide infrastructure along the way. It shouldn't be an ask of local government or the State all the time.

The Hon. NATALIE WARD: Waverley?

SIMON MUELLER: A slightly different perspective, I would say. It makes sense to have a lot of it at a unified level across the State when you think about battery safety and speed limitations and things like that for the actual devices and the technology itself, and a whole bunch of things that kind of come with that, and just the broader road rules around it, too. Where I think there's probably some need to think about context specificity is just how the regulations that enable various councils to manage streets—a concrete example is something like speed limits. That is something that I think we would be keen to explore further: How can we be a bit more adaptable on those kinds of items, which we talked about at the very beginning of the session? Those kinds of things are currently also done uniformly at the State, but there maybe is a need to think about that at a local council level and enable councils to suit those treatments and have those treatments in a way that suits the needs of those specific councils. That's just one example. I'm sure there are more if we could put our collective heads together, but that's the one that comes to my mind. I think there is a need to probably look at it on a case-by-case basis.

CAROLYN NEW: The other thing I was going to mention, too, is that in the city, where we are, it's probably a little different to in the country. We are small council areas and people who ride bicycles tend to go past boundaries. There's that strong need for consistency, definitely, within a region, which often means that that's a better thing for Transport to control and run than just individual councils, but with our input.

The Hon. NATALIE WARD: Can I just turn to enforcement. Just a quickfire question: enforcement—council or police?

SIMON MUELLER: Sorry, could you rephrase? Was it enforcement by councils?

The Hon. NATALIE WARD: I'm sorry, enforcement—so speeding, helmets, parking and enforcement generally, and that can include share bikes and privately owned bikes. Who should enforce, council rangers or police?

SIMON MUELLER: The easy answer on that one, I think, is it depends.

The Hon. NATALIE WARD: You can take the fifth, if you'd prefer. That's the other option.

SIMON MUELLER: Sorry?

The Hon. NATALIE WARD: You can take the fifth and say you don't like either of them.

SIMON MUELLER: I think that is what I'll call generally working well in terms of the road rules and the things that the police already enforce. I would generally keep it that way, and things that are in the public domain and the parking issues and the aspects that come around parking and the policy is something that is probably best liaised with councils. It doesn't necessarily answer the question directly because I don't think we can just say one or the other, in that case. I hope that helps.

The Hon. WES FANG: I wanted to ask MidCoast Council about the issue of injuries. Have you seen much by way of injuries? Have you had any feedback from medical professionals in your area as to any increased risk and whether there's a difficulty being in a more regional area than somewhere like the City of Sydney, where they've got more access to health services?

RICHARD WHEATLEY: We've only had one major incident that we know of, and that was within the first week, late night on a—well, actually within 15 minutes of the midnight closure of the scooters. Two young males outside a hotel were, I assume, skylarking and collided with each other. One gentleman hit the median or hit a kerb, broke his jaw and stuff. There was a lot of talk. Obviously, insurance covered it. Police, to the best of my knowledge, have charged both of them. That's probably more skylarking than anything else. Since then, neither the ambulance—I have a stakeholders committee, as required by these trials. Neither the ambulance nor the hospital representatives have raised any issue with me about ongoing issues with the trial. The police have stated to me that they have no concerns or issues. I'm not saying they're happy, but that's their comment—no issues or concerns with the trial at the moment. I've had no indication from anyone that there have been incidents happening. I'm sure that people have been hurt and that, but it hasn't come to us as a matter of urgency or concern.

The Hon. WES FANG: When you said the police weren't necessarily happy, is that because of their feedback or you're just not sure as to what their position is?

RICHARD WHEATLEY: Verbally to me, they'd probably rather not have another activity on the road network that they may need to deal with. I was probably the same. I'm a traffic engineer. The idea of additional things on the road network—I was probably quite anti it, but I've turned around a bit. I'm still agnostic towards it, and it's up to the community to decide. But I was expecting to have a very busy 12 months. I was expecting to be writing large quantities of emails and letters and dealing with issues. Once we got past the first four weeks, apart from a couple of local people who've made it their deal and kept sending me photos of scooters parked in a lousy location, I have to be honest that it's very, very quiet from the local community.

The Hon. WES FANG: In that perspective—

RICHARD WHEATLEY: From a policing perspective, it would relate to resourcing.

The Hon. WES FANG: To that end, if council aren't the enforcement agency, there might be difficulty with local police being resourced enough to have any enforcement powers and the resourcing to do that.

ADRIAN PANUCCIO: It will be no dissimilar to regulating pushbikes on the road network as far as policing is concerned.

RICHARD WHEATLEY: Incidentally, as I said, we've had the stakeholders committee, and we've certainly encouraged them to give us any feedback. As I said, the police have consistently said no issues or concerns.

The Hon. ANTHONY D'ADAM: I want to ask MidCoast about the trial. Were scooters operating predominantly on roads, on existing shared paths or just on footpaths?

RICHARD WHEATLEY: We have an extensive shared path network along our foreshore, and that entitled those people to ride the scooters along there, which of course is where tourists would obviously want to ride, and mostly on the road network. Of course, we have known that many people prefer to ride them on the footpath, and this comes back to the whole enforcement and education of where you can and can't ride scooters. Yes, we've got an extensive—along the foreshore. But away from the foreshore, it would appear for most people, particularly in residential streets or down to caravan parks is where we've had the linkages of our network. I would say there's probably a mixture of on road and on the existing footpath, which they shouldn't be on, and it is on the information provided by the operator.

The Hon. ANTHONY D'ADAM: If you have these operating on shared paths, to what extent would reductions in the allowable speed, and rider education, enable them to be operated on a safe basis? This is probably a question for either council. Obviously, we've heard evidence that, realistically, ubiquitous dedicated pathways are pretty unlikely to eventuate or, if they are, it's going to be a long way into the future. We're going to have users, some using the footpaths and some using the roads. Is it a question of, perhaps, tweaking the speeds and the education of the riders to make sure that that happens in a way that minimises accidents and makes it a safe way of operating?

RICHARD WHEATLEY: With regard to the hire scooters, they are governed at 10 kilometres per hour on the shared pathways, which is quite easy to manage because it is along the foreshore away from the roads, and then 20 kilometres per hour along the road network, as long as the speed limit is 50 or less. Obviously, the issue is going to be people on the road network wanting to ride on the footpath because they feel safer or don't want to be on the roads. There is the same issue with pushbikes. Many people ride their pushbikes on the footpath rather than the road. In regard to infrastructure, if we were to continue the hire scheme and if private scooters were to come in, we'd like some infrastructure to expand the area down to some other tourist locations and into a large supermarket that we can't get access to because it's above 50 kilometres per hour and there are no shared pathways to it.

SIMON MUELLER: To add to that a little bit, our experience would tell us—both in our own council and definitely when you look at other jurisdictions that have been working on this and, arguably, working on it longer—that lower speeds would encourage more people to ride off the footpaths and where we would want them to in these cases, which is the roadway or the carriageway. But there's another element to that, and it harks back to what I mentioned earlier. We know that usually users will feel comfortable both in lower speed and lower traffic volume environments. Insofar as we have a low speed, yes, we might well see fewer collisions, but that doesn't necessarily encourage people to use those devices if they see the street as something exclusively for motor vehicle traffic. That's part of that thinking as well. It's lower speeds but also lower volumes if we're trying to find non-dedicated ways and more shared use of existing space. I agree that it is going to be very difficult to eventuate any sort of ultra-comprehensive dedicated network. It's something we have to think about, including how our

existing streets already perform and how that space can be adapted toward these kinds of modes. It is a speed limit thing, but I think it's also a core volumes thing.

The Hon. ANTHONY D'ADAM: Ms Ward has touched on an area that I was going to ask about around where the regulatory roles sit. What would councils require to take on the regulatory functions of dealing with helmets and speeds? What would it require for councils to take on that role?

CAROLYN NEW: I would not think it would ever be council's role to take on the regulatory role for helmets, for example, because we don't do that for ordinary bikes. It is a police matter, and so I can't see that in any case. The major concern is the organisation of contracts. If we had to have a memorandum with all the different share operators, that would be a large amount of work that I think would be better operated at a Transport level. Some of the enforcement things would be, for example, if a share operator arrived who there was no arrangement with and how we would deal with that.

SIMON MUELLER: To add to that too, I think there's an opportunity that sits within that part of the conversation. I think folks in this room are well aware of the temporary delegation that has been put towards councils. It's something that Waverley Council has really taken on board and it's something that provides a lot of opportunity to maybe adapt and efficiently roll out some of these supporting types of regulations that are more locally focused—things like parking regs and speed limit regs, which councils already can do. It's those higher-level ones that are across borders and aren't specific to streets, like the helmet regulations Carolyn mentioned, and/or exactly how these companies would operate and any principles and rules they would need to follow. That's better sat with someone at a more senior level of government—that is, the State, or at least a region within the State. So I think there is an opportunity to look at a few different pathways there in terms of providing councils some more ability and enabling councils to do that, while keeping some of the more network-oriented, higher-level things at the State level in terms of a regulatory approach.

The Hon. Dr SARAH KAINE: In your submission you talk about directly administering shared schemes and that perhaps that should be a job for Transport for NSW. Why couldn't that be a council option?

SIMON MUELLER: That's a very good question. That comes, first and foremost, at a jurisdictional level, especially with the smaller councils in the east, the harbour and the city. We have, obviously, City of Sydney, Woollahra and Randwick that border us. So if one council were to take that on, would it then work for the next council? The answer is, in some cases, no. And then, also, who would benefit and who would have the resources to put that forward? That's one of those things that, from our view, would sit at a higher level in terms of being able to do that. That would be something that you could do more cohesively. The submission you have in front of you is, I think, something that is worth exploring in more detail.

It actually supersedes a lot of point 2, because it then provides more control overall in terms of how the State and how councils within that approach this issue. It also provides a huge opportunity to start integrating this into the broader transport network, whether that's public transport or even carshares or things like that, and that sort of mobility as a service and some of the other things that some of the other jurisdictions around the world are really starting to embark on. Councils can simply not do that alone, because it crosses jurisdictional bounds and it's something that requires fairly substantial resources to get right in the first instance and then continue to monitor and, I will say, plan.

The Hon. Dr SARAH KAINE: What about groups of local councils, like the southern Sydney councils? What about at that level?

SIMON MUELLER: I'm spitballing a little bit here, and this isn't necessarily a council view because it's not something that we've talked about or had an opportunity—I know Carolyn has in the past, to some degree. There is probably something to be said for that. The questions that remain with that are: Which council takes the lead? What framework is in place to say, "This is how you approach that"? Each council will have a certain amount of resources that they may or may not be able to provide towards that. I'd say that is a challenge, if anything, but there may be something there.

CAROLYN NEW: And the thing is too, what sort of group of councils? If you break it up by regional councils, that may include a set that have no interest in it whatsoever and leave out others that have commonalities with some that are in that same group. Groups may expand over time as well. It's an area of growth. I mean, it's tended to stick within five or six councils, but there are already indications of some movement to other councils once this becomes more regulated. So, just how big would it be?

The Hon. Dr SARAH KAINE: Sorry, MidCoast Council, I have another question for Waverley Council. You mentioned the ebb and flow of how many operators you've had and the different levels of notice you were given. Could you tell us who have been the best to deal with and who have not sought consultation?

CAROLYN NEW: I'd say that every operator who has actually dropped bikes—that I'm aware of anyway—has contacted us first of all. They came in rounds. There was the first round, which was a complete disaster, and then they all disappeared. Since then, Lime has been very consistent, because it was the first one to come back in with the e-bike. I don't think most of the population was even aware we had share bikes for a couple of years, because they were the only ones operating and so they didn't have very large numbers. Even when the second operator arrived, there was not that great awareness, simply because it wasn't impacting. The numbers of bikes that were around were not that great. But they went up to about five and by that point, yes, it started to become much more difficult. The reason I mention Lime is because they were the first that came in and they have been consistently here—still here—whereas others have gone. And they do actually arrange meetings with all the councils once every fortnight—they have their own short little meeting—so they're keen. This is not to say that some of the others aren't keen to also work well with us. They used to provide us with data in the earlier days. Nowadays we get some overall impression from Ride Report, which is an amalgamation, and I think they are one of the few that contribute to that.

The Hon. Dr SARAH KAINE: It would be good to get the data.

The CHAIR: That is the end of our time for this session.

SIMON MUELLER: I was going to add that there is an opportunity and it lies, in our submission, in that sort of direct administration. There is an opportunity for someone else to be the best operator and, if there is maybe a State-level role to play there, it doesn't necessarily have to be a labelled private operator; it's someone that can maybe operate on behalf of the State. That allows more certainty in terms of how long these operators stay around. It also allows more certainty in terms of infrastructure delivered for them, as well as more public benefit. One of the challenges is multiple apps for bikes that are all over the place and what are you supposed to do when you could just have one app. Thanks for the additional time.

The CHAIR: No worries. That is the end of the session. Thank you for your submissions and your evidence. The secretariat will be in touch if you have taken anything on notice or if members have any further questions for you.

(The witnesses withdrew.)

Mr SONNY SUHARTO, Principal Professional Engineer, National Transport Research Organisation, before the Committee via videoconference, affirmed and examined

Mr DAVID McTIERNAN, National Leader, Transport Safety, National Transport Research Organisation, affirmed and examined

The CHAIR: Thank you. Who is making the opening statement today?

DAVID McTIERNAN: That'll be myself. It will be brief. I just wanted to outline who the National Transport Research Organisation is and why we're here today. We started out in 1960. We were set up by the Australian Federal and State government agencies to undertake research on road management for them. That has evolved over the years to certainly cover road safety and traffic management issues. The type of work we do often is for agencies such as Transport for NSW, but others as well, to investigate what might be considered best practice, particularly from a road engineering perspective. Both Sonny and I are traffic engineers. We have been involved in the development of best practice guidelines, which are used by road agencies and clients to develop policy and practice for application on public roads, and on a lot of private roads if it is a private road manager client. I have been with NTRO for 17 years. Prior to that I was in local government, so I have some affinity for the previous speakers about local government issues as well. Sonny, as I said, has been with us for a couple of years and is also a former local government engineer, so again we bring that perspective to the table.

The CHAIR: Before I throw to the Opposition, can I just check with those guidelines that you have created, the e-scooter road safety guidelines, did you include that in your submission, or would you be able to provide those guidelines to the Committee, on notice?

DAVID McTIERNAN: I would have to defer to Sonny on that because he was principal in development of those guides. I was away at the time. Sonny, was that provided as part of our submission?

SONNY SUHARTO: We haven't provided it as yet, but we can make sure that's available to you, for sure.

The CHAIR: That would be very useful, thank you. We'll go to questions from the Opposition.

The Hon. NATALIE WARD: Thank you so much to both of you for coming along and for your submission and your service to both councils. I see that you are a national organisation.

DAVID McTIERNAN: Correct.

The Hon. NATALIE WARD: Correct me if these are misguided questions, but in terms of the three things we have heard about—which is infrastructure, enforcement and regulation—what do you see, in terms of your understanding of other jurisdictions, works well in other States, and who could we take some guidance from in terms of those three? We might start with regulation, perhaps. Do you have a view on what works well, what could be done, and what is needed here to fill those gaps?

DAVID McTIERNAN: What I might do is defer to Sonny. He has certainly been involved in two projects related to e-scooters and e-bikes. One was for Queensland main roads, developing some best practice guidance, particularly around speed limits; and the other is the New South Wales one. I will defer to my colleague.

The Hon. NATALIE WARD: I might ask you to keep it as short as you can. We are short on time. I don't want to rush you, but I want to get through those three main things, if I can.

SONNY SUHARTO: In terms of regulation, local governments don't have a lot of say in terms of regulating the e-scooters on their road networks or path networks. For clarity, I worked for the City of Gold Coast for a number of years, and when e-scooters came onto the scene in 2019, we moved quickly to understand what the problems were on those footpath networks. It took a few years to work out how we could regulate e-scooters on path networks through signage and line marking.

The Hon. NATALIE WARD: That's a big council. Was it a council responsibility or a State Government responsibility? Is it uniform across the State? Was that best practice, and why?

SONNY SUHARTO: It's a council responsibility given that the footpath asset belongs to the council. That is common through all local government jurisdictions in Queensland.

The Hon. NATALIE WARD: Why is that working well?

SONNY SUHARTO: I couldn't tell you if it's working well, but it's the system we have at the moment. At the time Gold Coast did interact with transport and main roads to seek guidance on the standards of line marking

and signage. After that I left the organisation, so I didn't really partake in the implementation of those signs and line markings.

The Hon. NATALIE WARD: In terms of your knowledge, nationally, of best practice, is there an area that you would hold up? It's not a trick question. Is there somewhere, or is this a gap across the country? Is it working somewhere, or is it something we all need to look at? I just thought you might have a perspective that is a bit higher level.

DAVID McTIERNAN: Sure. Certainly, as part of the work that we did for Queensland, we did look at what was available nationally. I think it's fair to say this is an evolving situation. It's certainly a case of jurisdictions catching up with what people are actually using them for.

The Hon. NATALIE WARD: In terms of infrastructure then, in your view, who is best placed to pay?

DAVID McTIERNAN: Best placed to pay?

The Hon. NATALIE WARD: Yes. Who funds that infrastructure?

DAVID McTIERNAN: We need to have a look at the type of infrastructure required, and e-bikes and e-scooters are quite different modes, although they have a common thread to them. If it's going to be on the roads, it depends on what part of that infrastructure needs to be upgraded—similar to providing on-road cycleways, for example. But given the type of use that these modes have, it would be much better if it was off-road facilities. I think it's undoubtedly that that is going to be a council responsibility, and there's no way that they're going to be able to afford that—not in playing catch-up. I do think, though, in terms of providing infrastructure, there is an opportunity—it's almost a unique opportunity—to incorporate this mode of transport into our planning processes, so that developers can ultimately be providing the infrastructure as a part of new developments coming out. And, indeed, like they do with other infrastructure, so they contribute to the connection of their communities to other communities. I think there is a bit of a split there, but it's certainly going to have to rely upon State funding support.

The Hon. NATALIE WARD: Jump in if you want to add anything, Mr Suharto, otherwise I will keep moving through. The third part is enforcement, and we will get to your data perspective and evidence base next. Is it best placed with council rangers or with police or a combination? What is your view on that and what works?

DAVID McTIERNAN: If I draw on my local government experience—and I am sure Sonny will have something similar—it is going to be similar to what the previous speakers had, which is that in terms of some areas, it could be council through rangers and parking, particularly the hire bikes and the hire scooters and their upkeep, but in terms of road rules, it is probably going to be much better aligned to the police, in my view.

The Hon. NATALIE WARD: Mr Suharto?

SONNY SUHARTO: Just in terms of how Gold Coast operated, because they own all of the footpaths there is opportunity for local laws to be established in terms of—not enforcing speed limits but the presence of, for example, wheeled vehicles like skateboards and so on that might have a perception of causing a nuisance. The local laws could be enforced there for the council rangers to be able to confiscate or ask the skateboard riders to move on and that kind of thing in congested areas. In terms of the speed of the e-scooters and so on, that would be the police. During my time with council, it was very difficult for police to enforce the speed limits.

The Hon. MARK BANASIAK: I just want to focus on the issue around data. In your submission, you talk about a lack of consistent and specific data collection on the use of these devices. If we don't have good baseline data, how are we going to measure the effectiveness of any regulation that comes in?

DAVID McTIERNAN: That is a very valid question. As it is with bicycles, it is very difficult. A lot of incidents are not reported at all unless it involves a very serious injury requiring some sort of emergency response. Police are traditionally required or vested with the responsibility of collating that crash incident data, so unless that was to occur and the police attend, I don't see any way that it can really be captured. The only other way is if it does result in serious injury requiring some sort of medical intervention, then perhaps through the hospital system that could be captured as well. I am certainly no expert in how that side of data capture is undertaken.

The Hon. MARK BANASIAK: Are there any other successful models from overseas where they have successfully captured this data in a better way?

DAVID McTIERNAN: Not to my knowledge, but I might defer to Mr Suharto in case he has seen that through his research.

SONNY SUHARTO: In terms of injuries sustained by e-scooter users, the Jamieson Trauma Institute in Queensland has had a very special focus on research and understanding the types of injuries that have been sustained in e-scooter crashes. That is in terms of injuries sustained from e-scooter crashes. In terms of other data

capture, Gold Coast did look at using video cameras to capture the number of e-scooters along a footpath and, where possible, the speed using particular software, but back then in 2020 it was very early days in using that kind of technology.

The Hon. MARK BANASIAK: Did any of that research delve into causal factors? I guess a big part of us making regulation is that we should look at the causes of incidents, particularly around alcohol use, maybe use of phones or riding with earbuds in and obviously not being cognisant of the sounds around them. Did any of the research delve into that sort of thing?

SONNY SUHARTO: As far as I understand, the Jamieson Trauma Institute only looked at injuries. In terms of other aspects, I am not aware.

The Hon. Dr SARAH KAINE: I have a couple of questions. The first is about data, and we just had people in from local councils as well. Do you think it would be a useful mechanism for any of the varieties of these e-bikes, e-scooters or rideshare companies to be required to share their data with at least the local authorities so that we get a better picture of what's going on?

DAVID McTIERNAN: I think it could be very useful if we're planning infrastructure. Just the take-up of that mode, where trips are coming to and from, could be very important so that we provide that infrastructure. If there are gaps there, it can be linked to reports of incidents or crashes. We might find through that that the infrastructure is lacking. It might be that there's a footpath there, but it's too narrow. It might be there's disconnected footpaths. I think it needs to be collaborative. It is commercial data that they're collecting for their purposes.

The Hon. Dr SARAH KAINE: They are using public roads, though.

DAVID McTIERNAN: There are lots of companies using public roads for all sorts of things. Sharing that data—if they can be brought on board and collaborate with that and show the benefit to themselves commercially, that it is embraced by the community as a viable mode of transport, and the infrastructure is being provided, they hopefully will be more willing to share it.

The Hon. Dr SARAH KAINE: Do you know of any of the companies who have been fairly open about their data?

DAVID McTIERNAN: No. It's not an area that I've been particularly involved in. In our submission, we did talk about some food delivery rider work.

The Hon. Dr SARAH KAINE: Yes, I wanted to ask about them.

DAVID McTIERNAN: Working with them, they are a very closed shop in terms of sharing that.

The Hon. Dr SARAH KAINE: I did want to ask about that. I note that you do mention them in your submission. I wonder if you've had any feedback on the changes in New South Wales to the work, health and safety amendment about food delivery riders?

DAVID McTIERNAN: No. I haven't had any feedback on that.

The Hon. Dr SARAH KAINE: Nothing from 2022 onwards in New South Wales that might be—

DAVID McTIERNAN: No. We were involved in that particular project pre-COVID. It was an initiative borne out by the spate of incidents involving that particular company's riders, being predominantly overseas students. There was a big issue of understanding the requirements of not only our road rules but also workplace health and safety requirements as well. That project involved developing some quite simple onboarding and induction-type material so they could try and get at least a basic understanding of their expectations and responsibilities.

The Hon. Dr SARAH KAINE: You haven't undertaken a post—

DAVID McTIERNAN: We haven't done anything post that. I am aware of others in the country who've done that sort of research with food delivery companies.

The Hon. ANTHONY D'ADAM: Can I ask the difference between a shared path and a normal path? Are there specific design features that councils need to apply to enable a normal path to become a shared path?

DAVID McTIERNAN: It predominantly relates to the width of the path. Sonny may correct me if I'm wrong, but shared paths certainly have a certain status to them. It's about the width. Often it can involve segregation of the pedestrians and other uses, typically through line marking, and how they might be treated at intersections of different paths and roads. I think if you invite somebody to perhaps talk about the project in

Queensland, because it was certainly looking at how speed limits would be applied to the mobility devices on pathways and—again, Sonny, correct me if I'm wrong—it also involved other road-related areas for that project.

SONNY SUHARTO: Yes. In terms of answering the question around the difference between a footpath and a shared path, it generally is to do with width. Typically, a footpath would be 1.2 metres wide, whereas a shared path would be minimum 1.5 metres. A good shared-path network would be able to segregate the riders on each side of that shared path, and also add intersections to be able to provide the right of way for the riders as well. For example, in Brisbane, along the Brisbane River there is a shared-path network which is widely used by e-mobility riders, cyclists and pedestrians that are running or walking. There are dedicated lanes, if you like, for pedestrians and dedicated lanes for the wheeled mobility riders. Within the wheeled mobility riders, there is a two-way definition as to which way you can ride. That's a very high quality example of a shared path.

The Hon. ANTHONY D'ADAM: How do we know how dangerous a shared path is? Is there any data collection that occurs? Running off the back of Mr Banasiak's question, how do we collect the data to say that these devices, when operating on a shared path, are hazardous, and how hazardous? How much risk?

I suppose this is the question that we ultimately get to, because we know in all of these activities there is some degree of risk; we just don't seem to know how risky it is. Maybe it is more risky to have these devices running on roads than on shared paths. There is more likely to be accidents and injury occurring on roads at a greater frequency than would occur on shared paths. How do we make that assessment?

DAVID McTIERNAN: Yes. I think the data collection is key. The evaluation of infrastructure projects is not that well established in Australia. We tend to provide the infrastructure and then move on to the next problem. I think we certainly should be investing in some much better informal evaluation. There is technology that can do that—video technology—and it can certainly track the direction and path of different users. From that, we can determine speeds. I think when we come to identifying risk, there are different levels of relative risk. If we are going to have e-mobility riders on the public road, the risk is predominantly to them. They are the most vulnerable road user in that scenario. Obviously they can cause other disruptions.

When we are talking about shared pathways, then there is a similar level of vulnerability, but we are now talking about that speed differential between the e-mobility rider and the pedestrian. I think there are risk evaluation models that could assess that, but it comes down to, again, capturing that data and seeing what evidence there is to support our modelling. How many incidents are actually occurring? What level of severity are they resulting in for both the rider and the pedestrian that may have been impacted? And, to the point of an earlier question, what sort of issues are contributing to that? Is it speed? Is it the road geometry? Is it the footpath geometry? Was the rider wearing a helmet, for example? What type of scooter or bike was involved, because different scooters and bikes will have different features to them? I think all of that needs to be captured. It is definitely a gap at the moment.

The Hon. ANTHONY D'ADAM: Do we have that data for pushbikes? We have had them for 100-odd years. Presumably there are occasions when they are riding on footpaths occasioning injury. Is there any process of collecting that data?

DAVID McTIERNAN: Again, it's limited. I refer to my earlier response that most bicycle-involved incidents would be self-reported and usually only if they need to go to hospital or get some sort of medical intervention. How that is then captured is—the result of the incident and what led up to the incident. It is probably not necessarily directly a role for the health agencies at the moment to capture that. So it's very patchy.

The Hon. ANTHONY D'ADAM: On bicycles, how long has it been that the law has said you cannot ride a bicycle on a footpath?

DAVID McTIERNAN: Well, if I relate it personally, my daughter is now 18. I remember teaching her to ride a bike, so it has probably been much longer than that. I could only ride on the footpath when I was teaching her how to ride the bike. Other than that, I need to ride on the road. I don't know the precise time period, but it certainly goes back quite a way.

The CHAIR: Better get off those footpaths, Anthony.

The Hon. Dr SARAH KAINE: I don't think that's really well known.

The Hon. ANTHONY D'ADAM: My next question is what is the regulatory instrument that prevents cyclists from riding on footpaths?

DAVID McTIERNAN: I believe there is a regulation about how, under 10 or 12, you can ride on the footpath, but other than that you cannot. As an adult supervising them, you can ride on the footpath, otherwise you must be on the road.

The Hon. ANTHONY D'ADAM: Where does it sit?

The CHAIR: There are a number of submissions that have pointed that out.

DAVID McTIERNAN: It would be in road rules, I would imagine. We can certainly check that.

The Hon. ANTHONY D'ADAM: If you can take that on notice, that would be good.

DAVID McTIERNAN: Yes. To the point, it is about this community engagement, education and awareness. There is a lack of that, and that will be key to e-mobility safety as well.

The Hon. NATALIE WARD: Just a quick question in relation to your submission. You would have seen the Government's announcement about e-scooters to be legalised in New South Wales. Were you consulted about that prior to that announcement?

DAVID McTIERNAN: No.

The Hon. NATALIE WARD: Did you have any engagement about it?

DAVID McTIERNAN: Not that I'm aware of. Certainly when the issue came up in Queensland, again, we assisted TMR to develop their guidelines—Sonny was the lead on that one—about what speed limits might be applicable and under what circumstances they would be applied, but nothing from New South Wales that I'm aware of.

The Hon. NATALIE WARD: At the end of your submission, in relation to food delivery riders, I think you mentioned some could be overseas students that come here looking for some casual work, perhaps, and you have talked about some of the opportunities to regulate that or assist with education and high vis, and some steps that could be taken. You also mentioned in there "requires a holistic approach and improvements to licensing". Can you just expand on that aspect and how the licensing might assist?

DAVID McTIERNAN: I think when we are talking about food delivery riders we are talking about, essentially, professional riders as opposed to recreational.

The Hon. NATALIE WARD: They are not picking up a shared bike to deliver a pizza; they've got one and it might be private or not.

DAVID McTIERNAN: It's their job, whether it's a casual engagement or whatever the circumstances. They are being employed by an organisation to perform that function. I think, in that circumstance, it wouldn't be inappropriate—for example, I am not allowed to enter a worksite unless I have got my white card and I have been properly inducted. I think there needs to be some sort of licence or some sort of certificate to say they have been through the induction process, they have understood it and passed it to a certain level of understanding and competency, dare I say, about road rules and responsibilities.

On the way here this afternoon I passed multiple food delivery riders and they seemed to just seamlessly weave from the road to the footpath, and back and forth. There is a degree of convenience there. Particularly for overseas students who tend to dominate that space, at least in the experience that we had, there needs to be some awareness of the expectations and the rules because it may be quite different to where they have come from. But that is not unique to just overseas students either.

The Hon. NATALIE WARD: No, and perhaps with students here, there was some earlier evidence about the opportunity to educate them prior to being young drivers and potentially educating them on road rules. First of all, with privately owned e-bikes or, if they are to be legalised, e-scooter operators—not the share bikes— in terms of licensing, do you have a view on how you might assist with the identification if there is an accident or if there is some enforcement to be undertaken with those private owners?

DAVID McTIERNAN: My personal view is that would be quite restrictive for recreational use, if I had to register my bicycle and have a licence et cetera. I think that would be quite detrimental to the recreational and other health benefits of engaging the community in that. As I touched on, it would be, in my view, a better focus to have that community engagement and get them to be aware of what is right and wrong, and what the road rules are. You could have late teenagers becoming food delivery riders before they even have a driver licence. There is no exposure to road rules for them, specifically. Clearly, if there was some injection of that much more in the school curriculum or even offline, it may have other road safety benefits as well.

The CHAIR: In terms of speed limits for other vehicles, lots of witnesses to this inquiry have talked about the need to reduce speed limits overall to 40 kilometres and 30 kilometres in some parts. I think one council today said even lower. Can I get your views in terms of lower speed limits and the benefits, potentially, of encouraging more people to ride and what your research has shown in that regard? Let's start with the 50 or 60 kilometres per hour that is reasonably standard across much of New South Wales in towns and cities.

DAVID McTIERNAN: Certainly, as a road safety engineer, we can talk about lower speed limits and the benefits of them. I think that gets a bit of a bad reputation, particularly amongst the community. We tend to talk more about the right speed for the right road, and that means the road environment has to support the speed limit that you want people to be driving at. That then comes back to the form and function. Clearly, in our neighbourhoods, where we live and where we shop, we want lower speed limits because of the interaction with vulnerable road users such as pedestrians, cyclists and delivery riders. I would certainly be advocating for lower speed limits in those environments where we see that vehicle and pedestrian or vulnerable road user interaction, absolutely.

That comes back to the infrastructure. If the infrastructure is not there and the e-scooter rider needs to be on the road, then you have an immediate disconnect between what needs to happen and what is safe to happen. So speed and management of speed is absolutely fundamental. It comes back to making sure that infrastructure supports that. I think that is where we are lacking, not just in New South Wales, but across Australia. Even internationally, it is a challenge.

The CHAIR: Mr Suharto, were you going to add something to that?

SONNY SUHARTO: Yes, I just wanted to mention that the experience on the Gold Coast is that there have been 30-kilometre speed limits applied to road environments where there is a high presence of active transport, whether that's cycling or walking. But also, the infrastructure near the road needs to be able to demonstrate that there is that kind of active transport as well, whether it is a shared path or a bicycle path near it. When speed-limit reviews have needed to investigate a lower speed limit, such as 30 kilometres for areas where there is high active-transport use, we need to be able to document the number of cyclists and pedestrians and contrast that to the vehicles as well, to better understand the balance of the vehicles that are using that particular road for justification for those lower speed limits.

The CHAIR: Thank you both for attending today. That is the end of our time for your session. I appreciate your submission and you giving evidence today. The secretariat will be in touch if you have taken anything on notice or the Committee members have any further questions for you.

(The witnesses withdrew.)

(Short adjournment)

Mr CHRISTOPHER VANNESTE, Head of Space, GoGet, affirmed and examined

Ms KATYA EAGLES, Council Policy Liaison, GoGet, affirmed and examined

The CHAIR: I welcome our next witnesses. Would either of you care to make a short opening statement?

CHRISTOPHER VANNESTE: Thanks so much for having us here today. GoGet is Australia's oldest and largest professional round-trip car-share service. We started in Sydney over 21 years ago and have grown to over 160,000 personal and business members in New South Wales, the majority of which no longer own private vehicles. We are active in 29 LGAs in New South Wales and currently partner with 15 of those for dedicated car-share spaces. You can kind of think of GoGet as an opt-in road-user charge. We give people access to a vehicle by the hour, but because they are paying for every trip, they are using a car significantly less, usually about 50 per cent less than a car owner. We are here to share our experience operating shared mobility in New South Wales and Australia over those 21 to 22 years. We are really looking for a holistic approach to shared mobility, so not siloing all these different services into "Here's your car-share policy; here's your bike-share policy," but really thinking about how we can all work together to create that better outcome we are looking for.

The CHAIR: That is one of the reasons, obviously, that we got you here. Obviously, the inquiry isn't into cars, but because you've got the shared-car experience and working with different councils, we thought your experience would be valuable. On that, you said you are operating across all of Australia?

CHRISTOPHER VANNESTE: We are currently in Sydney, Melbourne and Brisbane.

The CHAIR: In terms of the way Victoria and Queensland do it—or Melbourne or Brisbane, let's say—is it similar in terms of whether the regulation sits with the local council, not the State Government?

CHRISTOPHER VANNESTE: Yes, so the State governments in New South Wales and Victoria have released guidelines on how councils can implement car shares. Queensland has not implemented guidelines. It is up to the councils to operate it—approving operators, getting those reports.

The CHAIR: That sounds like it is up to every council, essentially. When you first started out, was it difficult without the guidelines? Here in New South Wales, at the moment, we are seeing community opposition. I know it's different because—hopefully—you didn't have your GoGet cars parked all over the footpath and what have you. But were there lessons to begin with in terms of the regulatory environment that could have been in place to make it easier for everybody?

CHRISTOPHER VANNESTE: Yes. First, I would like to say that I wish there was no opposition to car shares. We are still taking away parking spaces in the community's eyes, in a lot of cases. There is a lot of education going on. But, yes, without the New South Wales Government guidelines, a lot of councils wouldn't even look at implementing car shares and some councils didn't even get a start until those guidelines were published. It has been a varying experience as to which councils embraced the guidelines and which are still resisting.

The CHAIR: Do you have recommendations around whether some of the regulatory framework should be at a State level, maybe using examples if you have them? It might not be GoGet but other international examples of shared car schemes.

CHRISTOPHER VANNESTE: Yes. I'm a member of the board for the international Carsharing Association as well, so I have some fairly good experience internationally. Definitely where we've seen the best is where that State-led or Federal-led guidance is pushed down and even forced councils to do more of the good things. I think the biggest struggle we have as an operator is every council has its own policy and its own restrictions and guidelines. Katya has got a spreadsheet to try to keep us within policy for every different council. That's not only a barrier for us and our growth but also a barrier for our members, especially when they live on those council borders. If you use a car on this side of the street, you have to do one thing; if you cross the street and you're in the neighbouring council boundary, it's a different experience. I think some uniform guidance would definitely help the industry as a whole.

The CHAIR: What are some other international jurisdictions that do have the State regulatory framework or national regulatory framework? Why are there benefits compared to what is going on in New South Wales?

CHRISTOPHER VANNESTE: I think the big one is that, if the councils have more guidance on what to do because of the State-led policies showing them, "Here are the benefits. Here is how we have enabled it," and then the council or local authority can implement that into their local context and meet those targets—kind of like

how we're doing with some of the housing policy. Some really good examples in Europe, Bremen—I might need to take it on notice and give you some exact guidelines. But a lot of the State-led is even States going so far as to—for example, congestion charges might be avoided by the carshare company because the State wants to encourage it so much, and then the uptake is bigger and the local council is more onboard because they see the benefits.

The CHAIR: What are the statistics in terms of—I'm not sure if you've got it in your submission. I know friends who have forgone buying a car because of the relative ease—they're in the inner west—of using GoGet all the time. Have you got statistics in terms of the reduction of car ownership and what that has meant?

CHRISTOPHER VANNESTE: Yes, and I think I heard earlier the mention about the reporting. It's a very valuable thing we provide all of our councils and the State Government—how the car is used, annual surveys on membership uptake. New South Wales as a whole—nearly 70 per cent of our members don't own a car at all anymore. As we move out west, we see a lot of people using us as that second car. Really where we work is where there is good transport, active and public. Everything you're doing to encourage more biking, more train commuting is encouraging people to get rid of that private car and then they have our service for the times that they really need a car.

The CHAIR: There is GoGet in regional New South Wales, regional cities as well, isn't there?

CHRISTOPHER VANNESTE: Yes, we were pre COVID. We're in Orange with the Department of Primary Industries out there, trade New South Wales—more focusing on replacing their pool cars but the local residents still did get access to that service. We've done trials with Transport for NSW putting cars linked to train stations currently at Katoomba and Wollongong, and seeing a lot of local uptake but also people from the city using carshare for what we call that mid mile. We're not really a first mile or last mile solution. It's more you've used the train for the majority of your journey, you're using GoGet for that middle part and then you're getting back onto that transport network, saving you the toll costs and allowing you to be more productive.

The Hon. MARK BANASIAK: I just want to get a bit of background around GoGet. Are you the only carshare operator in New South Wales?

CHRISTOPHER VANNESTE: No.

The Hon. MARK BANASIAK: How many would you say there are?

CHRISTOPHER VANNESTE: Professionally there are four in New South Wales at this point.

The Hon. MARK BANASIAK: What would you say your market share of this market is?

CHRISTOPHER VANNESTE: In New South Wales we're far dominant, probably 80 per cent, 90 per cent. Most of the other operators are only in City of Sydney.

The Hon. MARK BANASIAK: Would you say that's the case because you were the first?

CHRISTOPHER VANNESTE: I think it's partially the case because it's our only business, so it's our only focus but, yes, definitely it's a slow build. We don't put down cars—a car is a very expensive asset to have sitting there and not being used. So you have to put a car down, build that membership, put another car down. It's a very long process to get people out of a private car and into our service.

The Hon. MARK BANASIAK: Just in terms of the cost to you, are you paying CTP insurance at a standard rate that a normal driver would pay their CTP insurance or do you have it at a higher rate, like taxis do?

CHRISTOPHER VANNESTE: Our cars are registered for business use, so the same as a business would have to pay for their pool cars.

The Hon. MARK BANASIAK: So you'd be paying anywhere between three and five grand for a CTP, like taxis are?

CHRISTOPHER VANNESTE: I don't know the exact amount. I can take it on notice. But it'd be the same as a business rate. I believe under the CTP rules we've been deemed safer than a rental car or a taxi.

The Hon. MARK BANASIAK: I go to your comments around this concept of shared transport hubs. One of the concerns we have heard, other than funding limitations in creating these spaces, is obviously space constraints. How do you propose to navigate those two things in terms of creating these hubs?

CHRISTOPHER VANNESTE: I think the good thing about our service is the proven model—we're reducing car ownership, so we're actually freeing up street space. It's a hard concept to get over the line in some communities, but literally every car we put down, there are nine spots freed up, which really justifies re-changing that street space resource. We try to make the services as cost neutral to council as possible. We pay for the new

signage and the line marking. Our service is a little different because that one spot is for our one car. If another operator applied for another spot, it's for their one car. We pay council, typically, a monthly or annual permit fee close to a resident rate.

The Hon. MARK BANASIAK: We heard a bit from previous witnesses around the concerns about removing parking spaces for bike lanes and making sure the right people are consulted on that—not just residents but business owners. With your proposal to do that, what consultation have you had with businesses and residents around how to do that appropriately? Obviously this can't be done holus-bolus all over the place. What do you think are some things that do need to be considered when you are just ripping up parking spaces and putting in bike lanes, and really limiting an ability to get close to a business or a place of residence?

CHRISTOPHER VANNESTE: When a car share spot is installed, it is consulted with that local community. Because our space is a specific spot—it's about 50 metres—it's a bit different to a bike lane. But I think it is about giving that community the evidence of what this infrastructure is doing. That's really where council works on our membership data, our usage data to justify what they're doing and then consulting with the community to make sure it is in the right spot in that local area.

The Hon. MARK BANASIAK: Finally, given your experience in not necessarily e-bike and e-scooter stuff but the car share space, in terms of a regulation, do you think councils should have a say on how many operators are in their council area and some of the terms and conditions of those contracts or those agreements? Do you think councils are best placed to have control of those things?

CHRISTOPHER VANNESTE: That's how it typically works at the moment. I guess our biggest thing we lobby against—where we've seen it fail—is when a council selects a monopoly operator, because that operator is no longer incentivised to always be pushing and doing the right thing. We prefer the more open market approach, but we do have councils that limit it to a certain number of suppliers that meet their needs. As long as those suppliers continue to meet those needs and policies, we see it as almost a forever thing for our service because we are replacing private cars and people are really relying on it.

The Hon. ANTHONY D'ADAM: I've got one question. Why should New South Wales adopt a mode share target?

CHRISTOPHER VANNESTE: Our advice towards the mode share target really is to give councils the right tools to do the right thing that we want to see in our communities, if we don't want to be spending more money on roads and that sort of infrastructure and we want to go to a more sustainable LGA community state. Really giving council that guideline and tool, and then this is the suite of options they can use to meet that target, I think would be powerful. We still struggle to get into some new LGAs. Like we said, we're in 29, but only 15 of them are giving us the dedicated spots and getting that reporting and that valuable information back so that they can give that to their residents and grow the service.

The Hon. ANTHONY D'ADAM: So this is a target that you think should be applied by local government area?

CHRISTOPHER VANNESTE: Yes.

The Hon. ANTHONY D'ADAM: Rather than a statewide target?

CHRISTOPHER VANNESTE: I think statewide should have a target, but there will definitely be some local government areas that are never going to meet that target—there's not public and active transport in those areas that can meet it. So it definitely would be statewide, and then down to a local context of where it can be implemented and actually actioned.

The Hon. ANTHONY D'ADAM: Have you got an example of where mode share targets have driven positive policy change?

CHRISTOPHER VANNESTE: Not in Australia.

The Hon. ANTHONY D'ADAM: Internationally?

CHRISTOPHER VANNESTE: I can definitely take international on notice. We do have—Katya's right. We haven't analysed the impact, but the City of Port Phillip in Melbourne does have a target of increasing population but keeping at—I think it's 2015 car ownership levels, so kind of a mode share target via a car ownership target.

The Hon. ANTHONY D'ADAM: How do we measure the mode share—just through ABS?

CHRISTOPHER VANNESTE: I think that's the power of a lot of these shared services. Yes, ABS is a good tool, but we've got all that public transport Opal data and a lot of street counts for pedestrians and cycling.

I don't think it's too hard of a thing to measure. I think public transport's probably our best start of checking that mode shift.

The Hon. NATALIE WARD: Thank you so much for coming along and for your submission. I'm sorry if it's been asked but, in terms of the parking space and the infrastructure, which I think you mentioned, how did that come about and who was responsible? Did councils say, "Yes, you can have the spaces"? What was the evolution of it from the beginning to where it is now?

CHRISTOPHER VANNESTE: It was definitely the State-level technical direction first that enabled councils to change the road space to give us those spaces.

The Hon. NATALIE WARD: When you stay State level, do you mean State government?

CHRISTOPHER VANNESTE: State government—so there's a technical direction on an on-street car share space on how they sign it, how they regulate it—

The Hon. NATALIE WARD: So State said to councils, "You must provide—"

CHRISTOPHER VANNESTE: No, they just said, "Here's the guidance on how you can provide it, and now you can go off and do your thing if you want to." How our service works is we apply for a spot and give council the justification for that application—how the nearest cars are doing, what the resident uptake is and what the change in car ownership is—and then they go and do the consultation and install that space if it meets all their guidelines. It is a fairly slow process, but it makes that street space a—what's the word I'm looking for?

KATYA EAGLES: Asset.

CHRISTOPHER VANNESTE: Asset, yes, to the community.

The Hon. NATALIE WARD: Do you identify that space or does council do that?

CHRISTOPHER VANNESTE: We do, yes. There are some councils that identify spaces they'd like to prioritise and some councils use us—I think I saw there was a submission where, if a council has a legal parking space but, if a truck parks in that space, it's dangerous for turning or they can't get their garbage trucks through or ambulances through, they sometimes allocate a space to us for a small car—so kind of making use of spaces that can't be used as a regular free parking space.

The Hon. NATALIE WARD: The evolution of that from when you first started to where you are today—given I think you said it's not all perfect and you still get some complaints, but it seems like it's somewhat less controversial than we're seeing at the moment with e-mobility—how did that start out? How did you get traction? Was it with one council to start with or was it a trial? How did that progress?

CHRISTOPHER VANNESTE: Yes, 100 per cent. There were definitely supportive councils that wanted to use us as a tool to change car ownership. They were the ones that would even push through community opposition and say, "This is going to be good for you. We're going to put it in and try it." There have been councils, conversely, where we can't get a bay through because there's still community opposition to it. Where we've seen the evolution, especially in those councils that grew early, is we don't get those complaints anymore because everyone understands the service, knows someone who uses the service, has a kid or a grandparent who uses the service, and now it has become a lot more adopted and part of the community. Those new council areas that we're breaking into, it's that old journey again of proving it up, showing the residents the data and getting the locals on board so that the community accepts it.

The Hon. NATALIE WARD: Given some have challenges with density, though, it would be easier for some to free up those spaces than others, just due to physical density. Is that part of the challenge or are there other challenges?

CHRISTOPHER VANNESTE: You would assume it's easier. It doesn't seem to matter. Parking is a very contentious space across the board. Whether it's a single-family home or the dense apartment buildings, it's universal for us on resistance to change that parking.

The Hon. NATALIE WARD: So what drove that was the State regulatory body handing that to councils to say, "You can go ahead." That was the main thing that pushed it along. Is that what you'd say?

CHRISTOPHER VANNESTE: Exactly. The State opened up the market and supportive councils ran with it.

The Hon. NATALIE WARD: To do that, okay. And enforcement? Is that council?

CHRISTOPHER VANNESTE: Yes. Council parking rangers, council policy, and our reports are all through council.

The CHAIR: But, importantly, that's parking, which is a council thing, anyway. Of course, there have been questions here today about enforcement for e-scooters and e-bikes, but once you're on the road and driving—obviously NSW Police and State registration is all very straightforward—what council does for usual cars is the same for shared—unless there's anything more?

CHRISTOPHER VANNESTE: The same, yes.

The CHAIR: In dealing with all the different councils, in terms of the whole shared scheme, is there anything further that you would recommend that the State Government could do to streamline, to make it easier—anything from administrative paperwork to the regulatory framework? Do you have any recommendations in that regard?

CHRISTOPHER VANNESTE: Yes. I definitely think there could be work on the regulatory framework. Like we said, those cross-council boundaries—I think the shared mobility will see the same issues. I think there is a spot for the State approving an overall operator because having every operator go to every different council and get their approval is a little bit labour-intensive for the market. It's our bread and butter, so it's not so much of a problem for us. I think the mode share—one of the big issues we have with councils is they'll have a policy, they'll implement car share, we'll get uptake of car share, but then we get over-saturated and aren't growing the service to meet that demand. Having that State mode share shift targets and kind of pushing councils to keep expanding things that are doing the goals of the council, the goals of the State, is an important factor. With some councils we've got 300 or 400 per cent membership growth but we haven't had a new spot since 2014, so then we have to find floating spots and unrestricted parking just to try to meet that demand and keep people car-free.

The CHAIR: That's where the mode shift target would come into it.

CHRISTOPHER VANNESTE: Yes. I guess the other one is the big State asset that I think all the shared companies want access to is that public transport network. By having these complementary services—if I can get off the train and there's a rideshare, there's a taxi, there's a shared bike, there's a shared car—really will unlock that public transport network and its utility besides just commuting. Right now, we're retrofitting brand-new metro stations that have rideshare spots, taxi spots but don't have a car share spot. Now we have to go through council and relocate that spot to a car share spot to enable that transport hub to be connected.

The CHAIR: Are you saying none of the new metro stations automatically have the car share because it's Transport for NSW or Sydney Metro that's been doing that?

CHRISTOPHER VANNESTE: Yes.

The CHAIR: Very interesting. What is your pathway to get those car share spaces at the metro stations?

CHRISTOPHER VANNESTE: We're applying to council like a normal on-street spot.

The CHAIR: So it's through the council.

CHRISTOPHER VANNESTE: Yes.

The CHAIR: Then, obviously, they have to speak with Transport for NSW to try to get those spots.

CHRISTOPHER VANNESTE: And with the residents, yes.

The CHAIR: Interesting. Thank you so much for appearing today. I really appreciate your evidence. The Committee will be in touch. I think you agreed to take something on notice. We will be in touch if we have any further questions.

CHRISTOPHER VANNESTE: Great.

(The witnesses withdrew.)

Ms JANET OAKLEY, Transport and Traffic Convenor, The Glebe Society, affirmed and examined

Dr JUDY HYDE, Highgate Advocacy Representative, Highgate Owners Corporation Strata Plan 49822, affirmed and examined

Mr PAUL UPHAM, Highgate Building Manager, Highgate Owners Corporation Strata Plan 49822, affirmed and examined

Mrs MARILYN ELAINE URCH, President, North Cronulla Precinct Committee, sworn and examined

Mrs LEANNE FARMER, Community Advocate, North Cronulla Precinct Committee, sworn and examined

Dr TREVOR MUDGE, Representative, Traffic Sub Committee, Millers Point Community Resident Action Group, affirmed and examined

The CHAIR: Let's get through opening statements. I assume each organisation has a statement. We will start with you, Ms Oakley.

JANET OAKLEY: I just will give a very brief outline of the Glebe Society. It's a 400-plus member organisation. It's a very active community organisation. Its principal purpose is to improve the amenity of Glebe and to provide an opportunity to express opinions. One of its aims is to promote better transport systems, including upgrading facilities for pedestrians and cyclists, and to achieve and promote that purpose. It petitions and addresses Parliament, other government bodies and departments. I'm a member of the management committee of the Glebe Society, and its transport and traffic convenor. The increased use of e-bikes is regarded as challenging the pedestrian usage. Some very unsafe practices seem to have developed amongst e-bike users that are potentially harmful to the users themselves and to others—for example, using footpaths even when crowded with pedestrians; using phones while riding, particularly as navigation aids; and prevalent use of public thoroughfares by e-bikes that are not actually legal to use in public. We've made some submissions to that effect.

The CHAIR: Thank you very much. That was very brief. We'll now go to Highgate Owners Corporation.

JUDY HYDE: I would like to thank the Committee for allowing us to present to this inquiry and, indeed, for having this inquiry in the first place. Highgate is a high-end apartment building in Millers Point. We have 204 residential apartments and around 382 residents; 50 per cent are owner occupied and 50 per cent are tenanted, roughly. We have multiple residents who own e-mobility devices. We've made a submission to the inquiry already, but we are very pleased to be able to present again today. We find that our residents are very anxious about the fear of fire caused by lithium ion batteries for e-mobility devices and the difficulty with extinguishing these fires when they occur and the toxic gases that accompany them.

Fire and Rescue have recorded that there are at least five or six lithium ion battery fires that they have to attend each week. Channel Nine last night reported on an e-battery fire from an e-scooter in Harris Park in an apartment building. The week before, there was one in Waterloo. There are very few mitigations available to us as a strata committee, or the building management, to actually prevent or manage these fires. We have put what is available in place, but we don't feel that they are very effective. There's no legal way to restrict the keeping of or the charging of e-mobility devices in apartments, as these are legal items.

We would like to emphasise the necessity for apartment buildings to be able to legally exclude lithium ion batteries from apartments and to prohibit them from being charged within the apartments. To assist apartment complexes to manage lithium ion batteries, we hope that the Government might be able to provide some incentives to enable us to implement charging areas in the car park or in safe areas, to prevent fires within apartments. More generally, we are concerned about the batteries of shared e-bikes particularly, or shared e-scooters, because they can become damaged. Even if they're parked upright and appropriately, they're very often kicked over. That damages the batteries, which then can lead to fires.

We feel that perhaps owners of e-bikes and e-scooters are more responsible. They ensure that their e-bike or e-scooter is actually connected to something and held upright properly, and they look after them a little better, because they have invested in them. We would also like to emphasise the need, should e-bikes and shared e-bikes and shared e-scooters continue or come into effect, for docking stations to prevent them from being kicked over or pushed over and also to prevent them from creating obstacles on the street. These are hazardous, of course. We feel that the Roads Act needs to be updated to allow docking and charging stations for e-mobility devices on the street rather than the pavement.

The CHAIR: Thank you. Who's speaking for the North Cronulla Precinct Committee?

MARILYN ELAINE URCH: One point to clarify—I was told that the two of us could have a total of three minutes, so I will speak one minute, and Leanne will speak two minutes.

The CHAIR: That's great teamwork. Excellent.

MARILYN ELAINE URCH: The North Cronulla Precinct Committee has been around for 30 years, but we made a study of the rules set in Switzerland where e-bikes, along with appropriate infrastructure, are working well for the community. E-bikes and e-scooters are not allowed on footpaths. In question time, I can tell you about two new rules they've just put in, which are very interesting. Fourteen is the minimum age limit for a rider, who also has to have an M licence—a simple licence of the road rules. We have been a little bit slow to legislate. Residents obviously want them off the footpath. A Scrambler FatBoy Bike has a weight capacity of 180 kilograms. Its documentation states it can speed up to 50 kilometres per hour when unlocked. With two people on FatBoy bike, this weight and speed will kill or severely disable a pedestrian in a collision. In the statistics that I sent you, Switzerland's statistics found that people over 65 had a 6.4 times higher risk of dying in a bicycle collision than those aged under 45 years. It is now a matter of urgency. I am really pleased to see the three levels of government working together. I think this is a fantastic process.

LEANNE FARMER: First of all, thank you for having us all here. I am a supporter of electric bikes, if ridden properly, and believe they have a significant role to play in helping our continuing traffic and parking issues within the Sutherland shire in New South Wales. For the past 18 months, I have advocated for the legislation that exists to be enforced by the police. The bikes that are the main subject of concern do not meet the criteria that is listed. They have motors that exceed 500 watts. The bikes have 750-watt or 1,000-watt motors, or greater, and pedal assist does not cut out at 25 kilometres per hour. In fact, most of these big fat bikes don't need to pedal. I spoke to the police 18 months ago about getting certificates or licences for children from the age of 10 and for many of the children riding any electric bike, because children need to understand and know the rules for their safety and that of others.

Fat bikes need to be like every other powered vehicle. You need to be 16 years and nine months. It needs to be licensed and have rego and CTP. The bike needs to be roadworthy and, yes, you need to wear a proper bike helmet, as bicycle helmets will not save you. I believe that the money that is raised from licences and fines should go into the infrastructure in the areas that generate the money, first off. For any of the LGAs where we have so many of them around, we need to first of all try to find infrastructure that will help with them, and then we can move on to the other areas. Education needs to be addressed in a manner that will home in on the prominent users. As a person who is part of education, I've spoken to many people and I believe that something like an upmarket video, with youth community leaders and prominent people from sporting and entertainment, that can be played at high schools and on social media platforms will ensure the best outcome.

I have had to go to a home of a young child who may have lifelong physical, emotional and mental scars from being hit by an electric bike while on a footpath with his mother. He has nightmares and he has years of therapy ahead because one leg is shorter than the other. He is only three years of age. This is a case that will go to the government CTP Nominal Defendant. I hope that we can get legislation that can be enforced by all of us together, and that we can strengthen the legislation and educate our communities so we don't spend money for years in courts because we did not deal with the issue at hand when we needed to for all the users of our roads, footpaths and infrastructure. Thank you for your time.

TREVOR MUDGE: As residents, we are grateful for the opportunity to speak because it really is the business of governments to carry out the residents' wishes. That's a democracy. It's a good thing to do. Can I make full disclosure? You will see that I am out of my wheelchair. I am lucky. I don't need my wheelchair full-time, but many people do. The problems of getting around Sydney are quite significant, especially with bikes strewn all over the footpaths. I can get out and move them; my colleagues in wheelchairs cannot. I know it's not the business of this Committee today, but also the access to buildings is terrible for those in wheelchairs—as an aside. I am also deaf, so if I am shouting it is because I haven't heard very much. I thought, "My goodness, I can lip-read off the screen." But, unfortunately, the synchronisation between your audio and your visual is not good enough. Also, the first speaker had the most magnificent moustache, which makes lip-reading almost impossible, I am afraid.

It is important to understand that the residents are not against e-bikes. I think we all recognise, as has been said before, that e-bikes pose a potential solution to the problem of the last mile, which has been identified. It is, indeed, a problem. You can only go so far by putting giant apartment blocks close to train stations, as the Government is proposing to do. It won't cure the last mile completely. But e-bikes have been a disaster all around the world. Every city has struggled with e-bikes. Most of them have given it away. Some cities have taken them back on again and given it away again. There are very few cities who have made a success out of e-bikes;

Paris is one of them. There are many reasons for that, but one of them is that it has dedicated parking spaces for them and that is something we ought to think about.

The problems with e-bikes are well known and I won't dwell on them. We have mentioned the scattering on the street. It's an eyesore; it's a danger. It's particularly a problem for my colleagues and myself in wheelchairs, but it's a problem for everyone and it doesn't reflect well on our beautiful city. There are accidents. There will continue to be accidents. These are big and heavy vehicles. They are not little scooters that kids push on. They cause damage. They cause more damage than ordinary bicycles and they cause worse damage. They cause more head damage. They cause more internal damage. There are any number of studies showing that. They go too fast, they're too heavy and they're driven by very inexperienced drivers. They are driven on footpaths illegally and they are driven by people without any head protection. The road rules are not adhered to.

There are risky behaviours. They are made worse by the riders who use them, and others, using mobile phones, drinking alcohol and, doubtless, using drugs. All of these things compound the problems for all of us as residents of this beautiful city. My colleagues have talked about the dangers of battery fires. They are real. They may be infrequent; there are probably something like 60 million lithium-ion batteries in Australia and there are only three or four fires a week. But that is too many. They are dangerous, those fires. They are hard to put out. They do damage. So what changes can we make? The regulations exist, but they're not being enforced. The person able to enforce them does not exist. The council doesn't have enough resources to do it. The police don't seem to have the resources to do it either. They are struggling to cope with what they are dealing with.

There are technological solutions that we need to utilise. There are speed limiters. There are geofencing solutions which would keep them out of areas where they would be dangerous, like geofencing is already doing at the front of Barangaroo. We need proper parking. We need proper parking bays, even if they may impose upon car parking spaces—and lord knows there are not enough of those in any city, but we need them. Cameras and trackers cannot only track these bikes and know where they are and whether they are being used, but can make sure they are disposed of properly. There are some firms around the world that require a photo to be sent once they're parked, so that the administrators can identify that they're parked properly and not just thrown about.

With respect to compulsory helmets and third party insurance, the answer to regulation, I believe, is licensing the operators, and the terms of that licence must include third party insurance, regulations like identifying the bikes and regulations like compulsory helmets. We also need a public database, which is accessible to both the regulators and the public themselves, so that we know how many bikes are on the street, what percentage are being used, are there too many bikes and do they end up lying around the streets? I reckon if we did those things we'd go a long way towards doing it—fixing the problem without actually costing a great deal of money. A lot more people on the streets enforcing the regulations is a great idea, but the cost is eventually going to come back to the consumers of the e-bikes and that is just going to make it even more difficult for people to safely negotiate the last mile. Sydney is the best city in the world. We are lucky to live here. It needs to have the best solutions for e-bikes. Please, can we fix the e-bike problem before we even think of e-scooters? Thanks.

The Hon. NATALIE WARD: Thank you all for your thoughtful and detailed submissions and for coming along today to assist the inquiry. We welcome your views. You have mentioned—I think Ms Oakley and Dr Mudge specifically, but I'll ask you all to comment—some of your proposed solutions. They are constructive and positive solutions. You have put in some ideas about how we can address these challenging issues. The two of you have mentioned registration and I just wanted to elaborate on that and ask if any others would like to comment. You have stated in the Highgate submission that there could be identification and empowering to issue on-the-spot fines so that there is identification, compliance and adherence. I might leave it to you to elaborate on those, but can you talk to us more about how you see that being constructive, who would administer that and how it could be useful?

JUDY HYDE: I think the legislation allows for wardens, City of Sydney wardens, as they provide tickets for traffic, to give tickets to people on e-bikes, but they move pretty fast. Having registration with identification, like a number plate or something that is available to see, they can take a photograph, or the public can take a photograph, and that will enable identification for pursuance of fines and so on. I think it is a great idea to put it back into the infrastructure. That was the reason that we put in the identification. I think it also ensures that you have the e-device checked regularly, like annually, as we do with cars, to ensure that the batteries are not damaged and that they are the appropriate batteries. I think the problem is more with the chargers than the batteries themselves, but people do replace the batteries with substandard batteries and that's a problem, but I think that registration process, similar to cars, is important for both of those reasons. Others may have other ideas for how it could be used.

JANET OAKLEY: In my submissions I've suggested that e-bikes be treated as motorbikes. The infrastructure is already there or the legislation is already in place for how motorbikes are treated. I think in the

past there were some mopeds that were treated differently from motorbikes if they were under 50cc, but that doesn't seem to be the case any longer. It seems that they're all treated as motorbikes. That would involve registration of the bikes and having some sort of means of identification on them. It would also mean that you'd have to be licensed to drive them. One of the big difficulties I think with e-bikes is that they're anonymous. They're dangerous, but they're anonymous. If somebody is involved in an accident, you can't be guaranteed that you'll know who else was involved in the accident, so a system of registration in the same way that motorbikes are registered, it seems to me, would address that particular problem.

The CHAIR: Can I jump in and just get the view of the North Cronulla Precinct Committee on this? Your submission distinguishes between what you call slow e-bikes, with pedal assistance and top speeds of up to 25 kilometres per hour, and fast bikes according to the Swiss model. Could you expand on that?

MARILYN ELAINE URCH: Yes, we were just talking about that issue. Fast e-bikes in Switzerland require a numberplate, a licence and liability insurance. That's a big issue because we've had instances where somebody is hit and hurt and damaged, and they've got all these medical bills and nowhere to go. Slow e-bikes and e-scooters are exempt from this requirement. However, most liability insurance policies cover damage caused by riding an e-bike or an e-scooter. The rules are changing, too, in Switzerland. In April '24 they made speedometers mandatory for new fast e-bikes, and existing fast e-bikes have to have them installed by April '27. From April '22—this is an interesting one—all e-bikes have had to use daytime running lights for greater visibility to motorists.

In the research that I've sent to you—they've actually done a lot of research in Switzerland; they've kept the stats and everything—they've found that the visibility factor was huge. I think about two-thirds of the accidents are caused by cars hitting an e-bike, not the other way around. The invisibility factor was enormously involved in that. Now they have strong lights, back and front, day and night. I think it's very interesting to look at what Switzerland has done. They're good statistics keepers; they've got stacks of information about how they do it. I think we could cast our eyes over that very carefully. Now, 14 is the minimum age limit before you can ride an e-bike, and you need to have what they call an M licence, which is like a motorbike licence.

I was looking for what exactly that entailed, but it is a theoretical test intended to make sure the candidate knows the rules of the road. So a 14-year-old wanting that licence has to know what the rules of the road are. The theoretical exams are organised by appointment at various centres. If you pass the theory exam, you will get a category M licence from 14 years of age. Funnily enough, when you've got a slow e-bike, when you're a little bit older you don't need a licence. But for the fast e-bikes, obviously, when you get into that category, you need to be licensed. Yes, it's quite interesting, and it worked well. I was talking to Michelle Ford, who is the Olympic swimmer. She lives half the year here and half the year over there. All this came about because I told her about the e-bike problems we had here. She said, "In Switzerland we have no problems." I said, "Really?" I looked very closely at it.

The CHAIR: We will move back to Ms Ward, who was in a line of questioning.

The Hon. NATALIE WARD: I was going to come to that, so thank you for drawing that out also. But I was just interested in the registration because, if I can put to you a counter view that another witness put to us today—and I'm not advocating for either of them; we are here to listen to you. The counter view to that licensing and registration was that that would make it very complicated for what is essentially a leisure sport, for people to be able to ride bikes. What would you say to that? Dr Mudge, I know that you've advocated licensing as well. I'm happy to open it up to everyone for answers.

MARILYN ELAINE URCH: I'll speak on that, if you don't mind. The biggest difference here is we have two types of electric bikes. We have the ones that pedal, and they are really like a normal bike but with assistance, that you actually have to drive. That's the difference. When you get the larger bikes, like the fat bikes, you don't have to drive them; you just have to steer them. That's the difference. We have to understand that under our legislation they are classed as bikes. It's already there.

The fact of the matter is that there seems to be, for whatever reason, an inability to want to try to pick that back. That's where, as I said, 18 months ago I spoke to the police regarding this to say that, to me, the best way that we can try to deal with this is that we do not want to have normal bicycles that are on the road all the time. We haven't had any problem with them, and even people who ride pedal-assisted and who stay under a certain limit. I didn't hear what happened this morning, but I gather that that's what that person was saying. I don't believe they're the people we need to be targeting. We need to be looking at the children who can ride three at a time on these powered e-bikes because you don't need to pedal. You don't need to do anything; you just sit and throttle. That is actually why you can also get parents who can put their two-year-old at the front, their five-year-old on the back, and that is what makes it too easy. They need to be properly legislated, and we need to have them come under the same ruling as what we have, which is licensed, CT and all of that.

JANET OAKLEY: Could I add that I think that the earlier person said something about them mainly being used recreationally. In fact, just from observation, a very great number of e-bikes seem to be used commercially. They are almost universally used in the food delivery industry, for instance, and many other types of deliveries. It is not just a recreational enterprise. I couldn't say what the statistics are, but, just from observation, a large number of them are used commercially.

LEANNE FARMER: The commercial bikes should be registered and insured, absolutely.

The Hon. NATALIE WARD: If I could just bring that around, then, having that identification, which is my understanding of your reasoning for having the licensing so you can identify—and I'll come to the 14-year-old M licence as well. I think your submission, Mrs Farmer, talked about the enforcement being done by police. Presumably that would assist identification, for example, where you have somebody doing the wrong thing, and I think you have spoken to that earlier. But then you could identify the bike owner, which may well be the parents who may well be getting a fine, and that behaviour might change pretty quickly. But in the absence of that, am I to understand that you are saying you don't have the chance to identify that person?

LEANNE FARMER: We don't have a chance to identify, but at the same time the thing is that children of that age don't have the capacity to understand what is happening.

The Hon. NATALIE WARD: Which brings me to my final question just on that. I think, Mrs Urch, you talked in your submission about the Switzerland rules and that 14-year-old M licence, and we heard some evidence today.

MARILYN ELAINE URCH: I think that's a fantastic idea.

The Hon. NATALIE WARD: I'll just get to the question, if you don't mind. I think you spoke about education and road rules, and we heard a similarity with, for example, young boat licences. To educate might be a step in to educating about road rules. Is that something that you see licensing as assisting in that sort of positive way to say, "We want you to use them and we want to encourage you to use them but there are some rules you need to pass"?

MARILYN ELAINE URCH: Absolutely—no riding an e-bike until you're 14. They're a little bit more mature. We don't know how old they are that are jumping on bikes. At the moment, they could be 10. They have to learn the rules of the road. I think that's a good thing for a kid, too, to think, "I actually have a licence." It is a very cheap licence. It's an inexpensive cost, but it just sort of gives them a grounding, then, for when they are going to become responsible drivers later in life. I think that's a nice thing to boast about.

The Hon. NATALIE WARD: We want them riding bikes.

JUDY HYDE: One of the difficulties, too, is we have people coming in from overseas, students coming in—whatever—and they don't know the road rules for Australia and they pick up a scooter or an e-bike and they can take off and do what they like, and that's problematic. I think people do need to know what the road rules are to be riding on our roads.

MARILYN ELAINE URCH: Absolutely.

LEANNE FARMER: If you have an M licence when you are younger and then when you get older, when you get to the age that you have the ability to handle the weight and the power of the higher ones, you then get that extra licence, but it is like a learning pathway through to be able to ride those more powerful bikes.

The Hon. NATALIE WARD: Who should do that? The council or State government?

LEANNE FARMER: That would have to come under licensing; it would be under State.

The Hon. MARK BANASIAK: Throughout today I have been asking various witnesses, particularly the operators, for any data that they have on incidents. It seems to me that there is very little data out there, and if there is any, it's largely based on a self-reporting mechanism from the users. I know a lot of you in your submissions have spoken about the incidents or accidents. Have any of you collected any data within your community of the number of incidents or accidents that you could perhaps provide the Committee so we have some level of data?

I'm happy for you to take it on notice to save—

TREVOR MUDGE: The only data we have comes from overseas, essentially. There's very poor data in Australia.

LEANNE FARMER: There's a gentleman that's put in a submission, Mr Greg McCarthy. Mr McCarthy and I have worked quite closely over the last 18 months on this issue. One of the biggest problems is that, when

you go to hospital, there's a doctor from Liverpool Hospital that's wanting to get the information because a lot of the time, we don't differentiate between normal bicycles and electric bicycles. You then have the privacy rules and legislation around that as well. That is something that we really need to look at and ask our hospitals if they can—when they come into emergency, or even our doctors who are actually looking at them—actually start taking those statistics down because, at the moment, they're not there. I believe that, at the moment, there is a doctor out at Liverpool that is trying to get some information together.

JANET OAKLEY: I don't have any data to give you, but I have looked at the road traffic casualty crashes in New South Wales statistics, which are extremely detailed. As my friend has said, they do identify most pedal cycle crashes and pedestrian crashes, but they don't differentiate between e-bikes and ordinary person-powered bikes. They don't identify any crashes between pedestrians and bicycles of any nature. The ability to fine-tune the statistics does seem to be available, but it's not that granular in the published statistics.

The Hon. MARK BANASIAK: The other thing we've heard a lot about today is the need for infrastructure around the phrase that keeps coming up of "shared pathways". Given the clear conflict that seems to exist, and the issues that are happening with walking pedestrians being hit by these e-bikes, e-scooters and whatever else, is the shared pathway a bit of a furphy? Is that the answer, or do we need a separate lane away from pedestrians?

LEANNE FARMER: We need a separate one.

MARILYN ELAINE URCH: We need a separate one.

JANET OAKLEY: Yes.

MARILYN ELAINE URCH: They're not wide enough.

LEANNE FARMER: We've got the SCATL that's been partly built in the Sutherland shire, and it's just not wide enough for that. I do know of an incident where a nurse was walking to Sutherland Hospital. There was a lady in front of her, and a young boy came past very fast on the bike. The elderly lady had a dog. Of course, the dog probably heard the bike, but nobody else heard the bike. So what happened was the dog sort of—she moved, and he collected her because they're fast and silent. That's a very big issue. You just don't hear them. When you put them with pedestrians and bikes—

JUDY HYDE: It's very dangerous.

LEANNE FARMER: It's very dangerous, because you just need somebody to step the wrong way. Unless it's a bigger path and wider.

The Hon. MARK BANASIAK: Moving sideways away from the safety component of these things and how they're being utilised, one of the other concerns that you've mentioned is the embedded batteries. Obviously a lot of these embedded batteries which are in products now can't be recycled or are very difficult to recycle. Do you think the proponents or owners of these shared e-bikes and e-scooters should have to contribute to the proper disposal of these embedded batteries in some way?

JUDY HYDE: Absolutely.

TREVOR MUDGE: That should be part of their licensing. You need to license them so, if they don't behave, their licence can be removed. Yes, it should be. Absolutely.

The Hon. MARK BANASIAK: Do you think that the licensing or agreement around how they operate—

TREVOR MUDGE: Licence or agreement—whichever.

The Hon. MARK BANASIAK: Should it be managed by local council, because local councils own the recycling centres, or it should be done by the State Government? Or is there a place for both—in terms of the terms and conditions of that agreement for that proponent to operate?

JUDY HYDE: I believe it needs to be done by whoever has the greater power to enforce it. The problem is, in the City of Sydney—

The Hon. MARK BANASIAK: No-one seems to have any.

JUDY HYDE: —we've already had e-bikes being dumped here. When they've failed, they've just walked away and left it for the City of Sydney to take the whole e-bike and dispose of it. That needs to have some licensing so that they have to put up a bond to prevent that happening in the future and maybe a bond to ensure that any recycling goes ahead.

LEANNE FARMER: It was a problem. In Sutherland Shire, we didn't take on to have any rideshare with bikes. We have enough children and enough people in our area riding their own. That's our problem. From a council point of view, I think that would be a very onerous task. If you own a business, it's part and parcel of your business that, if that's something that needs to happen, you are responsible for that.

JUDY HYDE: That's the licensing that enables that.

MARILYN ELAINE URCH: Back to the shared path, can I say something extra on that? The skate path in some cases goes down a footpath. It is not very wide. I don't think it should be a shared path. But the other side of the road could be. Some of these footpaths need a little bit of work on them, but the other side of the road could be a pedestrian-only footpath, if that were possible. There is a division then. If you want to take your risk and walk on the other one, fine, but over here you have got a safe path.

The Hon. Dr SARAH KAINE: I just wanted to ask about licensing, as in the rider. You are talking about a type of learner licence for younger people on less powerful bikes. Were you imagining that, for the next level of licence, it would be like a motorbike licence? You have to go for two days onsite—I've done it. You do two days of training, and then you go again and do another day of training. Are you proposing that amount of training to get the higher licence?

MARILYN ELAINE URCH: I think so. I have actually observed it at Loftus TAFE. I wondered why there were curved lines all over the big carpark. At the weekend, that's a training area for the motorbikes. I saw all these young people on motorbikes and three inspectors going through their thing. I thought, "If only we could have that for e-bikes, that would be fantastic."

The Hon. Dr SARAH KAINE: My follow-up question, particularly about the shire, is that these bikes have become extremely popular, partly because of the parking—

MARILYN ELAINE URCH: The beach.

The Hon. Dr SARAH KAINE: —and the beach and trying to get there.

LEANNE FARMER: It's convenience.

The Hon. Dr SARAH KAINE: In terms of community support for the types of things that you are talking about, what do you gauge—I know there has been a lot in the Leader and a lot of discussion about it, but where does it land? They are extremely popular, so what is your assessment of willingness?

MARILYN ELAINE URCH: I would like to see that age limit enforced so that they do get some sort of training and they have to pass some sort of test at 14 years of age to have an e-bike. One thing I have noticed a lot of is kids just sitting there. It is supposed to be an active sport, but these kids are just sitting still and the motor is doing all of the work. There is no pedalling going on. That is not good for kids.

The Hon. Dr SARAH KAINE: I am asking not what we might think is good for kids, but what the community sentiment is.

LEANNE FARMER: I can say for myself, as a childcare provider for the Government, that for many years I would always get calls at the beginning of a school term or at the beginning of winter sport, because we have so many children who play sport in our area. I would get a call from a mother to say, "How am I going to get Jack here and Johnny there? I don't have enough hands. I can't be in two places at once." I don't get those calls anymore, and that is purely because—it is not a bad thing, to be honest. I think the freedom that e-bikes can give children, if done properly, is a great thing for them to have. It also helps families, which is a great thing that we need. But the thing is, at the moment, giving a child, whether they are 12, 13 or 14 years of age, a high-powered electric bike is not in the best interests of the child or the community as a whole, and that is actually what we have seen. We have seen that because there is a totally different attitude to how you ride them. You don't ride them, as I said before. You just get on and steer them.

It makes you a bit lazy because you don't really have to think because you are just going around. It has that sort of attitude, and you can get more on there. When you go from a pedal-driven electric bike to a—the easiest way is to call them a fat bike. You can put on two or three of them and that's where the danger is. That's what we are seeing, and then it changes because there are three of them on there. There's a whole different attitude to what they are doing. As a person in education, I look at that and I can see that, because it's a different attitude to what they're actually riding. They are not having to think about getting this power because that power is there already. That's what we need to look at. We need to look at not taxing one section because of another section, if that makes sense.

Those really large fat bikes have a totally different way of riding them. That's what we really need to look at. They are not suitable to be on a footpath where they are now, and they are not suitable for a child to be

riding them. When they ride them, even if they put a helmet on, half of them don't do it up. If they do, they've got a bike helmet. You're doing 30 or 40 kilometres an hour—which they do. I've seen them do way higher. That bicycle helmet will not save them one single bit. That's what frightens me when I see it. I live on the peninsula in south Cronulla and I see them going up and down. We all talk about it. They are travelling at such a speed. I don't think that's any different to the northern beaches or any of the beach suburbs. It really seems to be more prevalent there. It's great in one way because we want them to have that freedom, but we really need to find a way to rein that in a bit if possible.

The Hon. ANTHONY D'ADAM: Is the solution looking at weight and power and just drawing a line between the regulatory approach between those?

LEANNE FARMER: The legislation is already there, though. It's already written in black and white, if you look it up. I can go through and I can pull it out and I can bring it up for you. It actually states and shows that these bikes that we are talking about are not legal—I don't like to use that word—to be on the road. You can switch a thing or you can change the software, and you can do all that because they are imported to go mainly, unless you put all that software on them—it is clearly stated that they are there to go on private land. But there has been, for whatever reason, an ability for that not to happen. It has just got out of control, really.

TREVOR MUDGE: I think it's called function creep—used for purposes it wasn't designed for.

The Hon. ANTHONY D'ADAM: We are looking at e-scooters as well. Are you proposing a licensing regime for them as well?

LEANNE FARMER: When you are talking about e-scooters, they go 20 kilometres an hour—or most e-scooters do. If they go above that, and if you are riding anything that is on a road or on a footpath that has the potential to damage someone, some form of registration on it would not be a bad thing.

The Hon. ANTHONY D'ADAM: You can damage someone with a pushbike.

LEANNE FARMER: Yes, you can. That's what I mean. To me, I don't want to cruel the e-bike industry either. I'm trying to find a balance all the time of how to do this. How do we balance this out to make it so that we provide a service that is going to benefit our community? We also need to find a way to make them so that, if they do hit someone, firstly, we can say who they are and, secondly, they are liable.

JUDY HYDE: There's no insurance; that's the problem. If you are hit and damaged, you can't claim anything.

LEANNE FARMER: I have a lady that I helped. She was hit and put up in the air, and she is 70. Her life is never going to be the same again.

The Hon. ANTHONY D'ADAM: Surely, the same principle applies—

The CHAIR: Ms Oakley has been trying to say something.

The Hon. ANTHONY D'ADAM: Yes, Ms Oakley, sorry.

JANET OAKLEY: Sorry, I didn't mean to interrupt you. E-scooters, I think, are in a slightly different category because they have very small wheels. They are actually inherently dangerous to use because you only have to hit a small pothole and you'll come off them. They're dangerous not only for other road users but they're dangerous for the operators. I had understood until yesterday, when there was an announcement by the Minister, that e-scooters were only able to be used publicly if they were hired. But I couldn't find the legislation to which the Minister was referring.

The Hon. ANTHONY D'ADAM: There's no legislation. The proposal is to legislate. This inquiry is really directed to guiding the Minister's thinking around how we legislate to make e-scooters legal in New South Wales.

JANET OAKLEY: I see. I misunderstood the press announcement. E-scooters are in a different category because of their inherent instability to use. Just an ordinary scooter can tip somebody off quite easily. But an e-scooter going faster—they are very unstable. I put them in a slightly different category as far as the danger is concerned because, with e-bikes, the only danger to the operators is enhanced by the speed at which they go. I think e-scooters are inherently dangerous.

JUDY HYDE: You would be aware that in Melbourne they were right on the brink of actually legalising shared e-scooters and someone was killed. Someone was travelling 50 kilometres an hour and killed a pedestrian. They have banned them.

The Hon. ANTHONY D'ADAM: I suppose there are hazards with all sorts of activities, including riding a pushbike.

JUDY HYDE: Yes, there are.

The Hon. ANTHONY D'ADAM: But we don't have an extensive regulatory approach to pushbikes. The risks may be not that dissimilar to the risks that currently exist for riders of pushbikes or pedestrians who are hit by pushbikes. Are we overbaking something because it's new, rather than based on the actual relative risk?

JUDY HYDE: I think the risk is higher because of the e-component of it and it can go independently. As the ladies from the shire were saying, you don't actually have to pedal it; all you have to do is steer it. You can't actually make it work. Whereas, if you're in control of it, as with a normal bicycle, you can actually stop it really quickly. You've got to be in control. You've got to be in charge. You're not in charge of it if it's travelling on its own devices and faster as well.

LEANNE FARMER: And also the weight of it.

MARILYN ELAINE URCH: I've got a Transport for NSW brochure over there. It was a guide for parents. I was amazed at how simplistic it was. There were virtually no guidelines at all. When you compare it with what is happening in Switzerland, where they have actually been at this for a number of years and have got some rules together, I think our rules are extremely minimal for children—extremely.

The Hon. WES FANG: I am interested to hear from the groups about how you think the licensing might work. Obviously, if you have a driver licence, you receive your licence and you receive 12 points. If you're a provisional driver, you get a certain number of points. Do you think that we should have learners and provisional licences for scooter riders? Do you think we should have a number of points? Is it the same number of points— so 12 points if you are a full licence holder—whether you ride a scooter or drive a car? For example, motorbikes and cars are on the one licence. Do we have scooters and e-bikes on the same licence? What are your thoughts?

LEANNE FARMER: It would make them accountable. It's accountability. Once you're on that road, you're accountable and you need to be accountable.

JUDY HYDE: Scooters and e-bikes should be on the same licence as motorbikes. I don't think you need to go with all the different point systems. But there should be two levels of licensing: one for the operators who are providing shared e-devices and one for the actual riders. Both of those should be carrying insurance.

The Hon. WES FANG: What about in circumstances where there is a penalty? For example, a rider of an e-bike or an e-scooter might be speeding. Should they lose points? Should they lose points if they are on a pedestrian crossing or a path that they shouldn't be on? Is that what we are talking about in terms of licensing, where you've got penalties?

JUDY HYDE: I think there should be penalties, but I think it should be fines. I don't think you should be worrying about the number of points people lose. I think they should be fined on the spot for doing things that they're not supposed to be doing that put people in danger.

The Hon. WES FANG: In that case, obviously, if you drive a car, you have a loss of points because— for people that have greater incomes, the fine might not be so much of a problem. But it is the loss of points and the loss of your licence which is actually the major deterrent. Do you think that the Minister for Transport should be implementing licences for these e-mobility devices and, in turn, using Revenue to process fines and Transport for NSW to remove points?

JUDY HYDE: I see your point. I think that's quite a good idea.

TREVOR MUDGE: Any of that can be done for the private e-bikes and scooters, but the problem is with the commercial ones, isn't it? Many of these are being driven by tourists who are here for a week. We can neither license nor fine very easily.

MARILYN ELAINE URCH: But they're working for a company—

The Hon. WES FANG: I make the same point that anybody—if you come from overseas and you want to drive a vehicle, you need an international licence. Maybe we need to have an international scooter licence or an international e-mobility licence. Is that what you're advocating for?

LEANNE FARMER: It's not a bad idea. It's not something that I ever thought about but it's definitely something that you need to think in a whole process—if it's not already international, it wouldn't be a bad idea. I suppose because we don't have the statistics on where people are getting injured, it's hard to understand where it actually is. I have spoken to my counterpart—to people I know in the northern beaches. A lot of the beaches suburbs share the same problem that we have with the amount of people riding them. I think having a point—as

you said, you need to have not just a monetary—it needs to have an accountability. Because, if you get fined and you lose your licence, if you don't have a licence and you're unlicensed—that is the thing. You need to have that accountability. That is how we teach everybody.

MARILYN ELAINE URCH: Absolutely. Licensing is essential. Say, for example, in Switzerland they're getting a speedometer on bikes. Now that means if they've got a speedometer on a bike and they are doing that to comply with speed limits, especially in zones where the limit is 20 or 30 kilometres—obviously they have some quite low speed limits in certain areas. So they have to have that and new ones have to have the speedometer and the old ones have to be refitted. Now, if you've got a speedometer and you've got a camera—this will help the police a lot. If the bike is licensed and the bike is going through at 50 kilometres an hour or whatever it is and the thing is licensed, you've got accountability there. It just makes it so much easier. At the moment they can do whatever they like.

JUDY HYDE: And they do.

MARILYN ELAINE URCH: And they won't be caught.

The Hon. WES FANG: Do you think the Minister for Transport was a bit premature in announcing this plan yesterday without actually having considered all of these matters and having Transport for NSW look at the way that we're going to license it, the point system, the demerit system—

The Hon. ANTHONY D'ADAM: That's the point of this inquiry, Wes.

LEANNE FARMER: Personally, I don't know all that information that you're—I haven't read up on all that. When you're talking about that, I can see that this is a good way of doing it. This inquiry to me is how we sit down and nut out how we can try to do the best way we can. We have to look at it across the board, whether it be people who do the share riding or people who own it. There is so much smart technology out there now that we can actually—one of the biggest problems that I can talk about that we have in our LGA is that they come through a pedestrian mall and they come through so fast. You can't stop them. There is no way of knowing who they are. If you try to stop them, you've got no chance and neither do the police. We need to help the police. We need to have legislation to help them do this. People say that the police inaction is encouraging more bikes to be ridden illegally. In one way, that is. But it's also because it's very hard to be able to, with the way they're being ridden now, actually stop them and do something about it. We need to look at the issues that are there. The main issues with privately owned e-bikes are that they are too fast, they're too heavy and they're too convenient. They're too easy to ride. If we talk about scooters, a scooter will have one person on it. These e-bikes have got three.

The Hon. WES FANG: My final question is that in the same way that cars have e-tags, do you think we should have scooter e-tags so that we can perhaps, for example, if they have to pass through certain gates [audio malfunction] an opportunity to—

JANET OAKLEY: You mean so they would pay for tolls?

The Hon. WES FANG: Yes.

JANET OAKLEY: It seems to me that if you want to encourage users other than cars, that would be a retrograde step. I'm not an engineer, but I imagine a piece of road could be used many, many times by an e-bike or ordinary bike and not do terribly much damage to the road, unlike cars and heavy traffic and what have you. I think the justification for charging tolls to e-bikes or ordinary bikes is hard to make out, personally.

MARILYN ELAINE URCH: Yes, I think there are more important issues than that.

The CHAIR: I note that we started five minutes early so we will finish at five minutes before four. I thank you all so much for your excellent submissions and for making the time to appear today. Even if you didn't get all of your issues on the record because there were four community groups this afternoon, you can be guaranteed that we go through your submissions very closely as well. I don't think you took anything on notice, but the Committee may come back to you with additional questions if members have them. Committee staff will be in touch about that.

Before we finish, there have been a couple of comments that seemed to indicate that this inquiry may have been established to provide guidance to the Minister. I make it clear that the New South Wales upper House voted for this inquiry. It is made up of Government, Opposition and crossbench members. This inquiry was not established at the guidance of the Minister. We make recommendations to the Government and hope very much that the Government takes those on. But we are, if you like, a broad cross-section of the Parliament and we are independent of the Minister in terms of the recommendations we will make. Hopefully she will take them all on, though, given what Government members have said today.

The Hon. ANTHONY D'ADAM: I am sure the Minister will pay due regard to the outcome of this inquiry.

The Hon. Dr SARAH KAINE: She will take it into consideration.

The CHAIR: Excellent. That's what we hope. Thank you so much. That is the end of our hearing today. We will be back tomorrow for the second day of hearings.

(The witnesses withdrew.)

The Committee adjourned at 16:00.