

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND THE  
ARTS**

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

**CORRECTED**

**At Jubilee Room, Parliament House, Sydney on Wednesday 30 October 2024**

**The Committee met at 9:15 am**

**PRESENT**

Ms Cate Faehrmann (Chair)

The Hon. Mark Banasiak

The Hon. Anthony D'Adam

The Hon. Wes Fang (Deputy Chair)

The Hon. Dr Sarah Kaine

The Hon. Natalie Ward

---

**CORRECTED**

---

**The CHAIR:** Welcome to the second hearing of the Portfolio Committee No. 6 – Transport and the Arts inquiry into the use of e-scooters, e-bikes and relatsounapad 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, and I am 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.

---

**CORRECTED**

---

**Dr VIKRAM PUTTASWAMY**, Chair, RACS NSW Trauma, Royal Australasian College of Surgeons, affirmed and examined

**Dr JOHN CROZIER**, Committee Member, RACS NSW, Royal Australasian College of Surgeons, sworn and examined

**Dr S. V. SOUNDAPPAN**<sup>1</sup>, Staff Specialist Academic Surgeon; Head of Trauma, Centre for Trauma Care, Prevention, Education and Research at Westmead Children's Hospital, sworn and examined

**Dr WEI HE**, Trauma Data and Research Manager, Centre for Trauma Care, Prevention, Education and Research at Westmead Children's Hospital, affirmed and examined

**The CHAIR:** I welcome our first witnesses. Thank you for making the time to give evidence. There's provision for short opening statements. I'll start with you, Dr Crozier.

**JOHN CROZIER:** I am a vascular and trauma surgeon, currently at Liverpool Hospital, and former chair of the national trauma committee of the Royal Australasian College of Surgeons. As surgeons, we see daily, currently, a large burden of e-mobility device-related injuries in hospitals throughout New South Wales. We are conscious of the prudence demonstrated by this State in cautious rollout particularly of commercial e-scooter operation. We are cognisant of experience in Brisbane and in Melbourne, which has seen some contracted arrangements with commercial e-scooter operation terminated because of the burden of injuries generated in very short spaces of time. We are advocates particularly for the most vulnerable in our community, and we acknowledge that pedestrians have a primacy in the consideration.

This is about people and place. It is about movement and amenity, but that has to be tempered with a consideration of the fact that the riders of these devices are just that—riders—and that the devices are powered with electric motors and should be regarded as motor vehicles. It's important that, under active transport, we give appropriate regard to pedestrians and conventional cycles and that we see personal mobility devices with motors given an appropriate regard and perhaps separated out under the terms of existing legislation, because the riders are not actively moving.

Impacts greater than 10 kilometres per hour, particularly to the very fragile human—be they the pedestrian impacted, the rider or an illegal pillion—render significant injuries, particularly to the face of the rider or pillion, and extremity injuries of significance, particularly to elderly, sight-impaired or hearing-impaired pedestrians. On behalf of the college, I again thank you for the opportunity of being involved in a very important process, where the decisions made help inform policy and legislation, which has a critical impact on the health system in the State. I'm very conscious of how fragile our compulsory third-party provisions are. There is a significant threat to the insurance that may be payable in the face of a scale of injury that is likely to be significant, if appropriate controls are not put in place.

**VIKRAM PUTTASWAMY:** As mentioned, I'm a vascular surgeon and head of department of vascular and renal transplant surgery at Royal North Shore Hospital, and actively involved in the management of trauma patients, as are my two surgical colleagues here. We are all members of the New South Wales RACS Trauma Committee, and I am also a member of the national RACS Trauma Committee. We regularly see patients who come into our emergency departments with major trauma already. What we have seen over the last few years is an increased number of incidents of patients coming in with major trauma related to e-mobility devices.

On behalf of New South Wales RACS, we submitted submission number 195, which I co-signed with our local president, stating that we are certainly concerned about the potential increase in major events that would then come to our emergency departments and also increase the amount of morbidity and mortality that we are already seeing and being exposed to in our significantly stretched hospital system. So we are very concerned. We are aware that there is a benefit in these mobility devices, but we would like to make sure that there are strict guidelines put in place to reduce their trauma-related impact.

**WEI HE:** I'd like to thank the Committee for giving us the opportunity to present here. Our submission is based on the data collected within the major paediatric trauma service at the Children's Hospital at Westmead. We maintain this data on a daily basis to monitor injury patterns closely. However, we recognise that the numerical data alone suggests that what we have included in the submission may not fully capture the range and depth of PMD-related injuries, especially given the lack of consistent coding schemes in the trauma registry so far. A more

---

<sup>1</sup> In [correspondence](#) to the committee received 27 November 2024, Dr S. V. Soundappan, provided a clarification to their evidence advising that they had appeared in an individual capacity.

---

**CORRECTED**

---

comprehensive understanding often requires a variety of data collection and analysis methods to present the full picture.

**S. V. SOUNDAPPAN:** I work at the Children's Hospital at Westmead within the trauma service. Over the last five years, we are seeing an increasing number of children presenting to our emergency department with injuries related to electric mobility vehicles. There has been a very sharp increase this year. What concerns us most is two-thirds of these children are not wearing helmets when they are on these bikes. We have seen this happen in a variety of environments. Very concerning is that some of them are happening on streets with children colliding against stationary vehicles or even moving vehicles. There have been occasions of children being injured as pedestrians from electric mobility vehicles. While most injuries that we see are soft tissue and fractures, some of them have sustained significant head injuries, with complex fractures and bleeds into the brain, and internal organ injuries in the abdomen, requiring admission and care in the intensive care unit.

While we understand that this is an important and very popular transport modality, we are concerned that children as young as five are using them. We would strongly recommend that children under 16—young adults under 16—are not allowed to use these vehicles, and helmet use is compulsory. We are also concerned about the speed of these vehicles when they are on shared zones with pedestrians. The maximum speed they can go at is 25, which can cause significant injuries. So if they are on shared pathways, we think the speed should be limited to 10 in those instances—ideally not in a shared space with pedestrians but, if so, then it should be 10.

**The CHAIR:** In terms of the data, I'm interested in the analysis between e-bikes and e-scooters compared with—suddenly one Christmas there's a new scooter that the kids get and everybody is riding around. There are trends in mobility devices, whether they're electric or not. Some of the submissions point to the data, which I don't have in front of me. I think they are suggesting going to other studies. But what's the difference, or is there a difference, between what you're seeing now—you said in the last 12 months particularly—in terms of e-scooters compared with, over the last decade, kids who are always going to speed down hills on bikes, whether they're electric or not and riding with a helmet or not? I want to explore that a bit further. I don't know who to direct any of these questions to, because you all sound as experienced as the others on this issue.

**S. V. SOUNDAPPAN:** The majority of injuries we are seeing in children are from e-scooters—70 per cent of the injuries are from e-scooters. Only about one-third in children are from e-bikes.

**The CHAIR:** How is this data collected? Who is it given to? You're collecting the data, for example, in Westmead. Is any government agency collecting that afterwards?

**S. V. SOUNDAPPAN:** There are a couple of ways the data is collected. The data that we are presenting to the Committee is through the trauma service. We collect data based on children who have a trauma team activation, which is based on what is considered a significant mechanism of injury, or the child is known to come with a significant injury and the trauma team is activated so a team of doctors can evaluate multiple systems at the same time and manage them. We haven't captured data of presentations through the emergency department. We acknowledge that that is a deficiency in what we have presented, but it's likely some kids come and go from the emergency department without us being aware. The data that we collect through the trauma service—anything with a significant injury score—is also submitted to the State Trauma Registry, which is maintained by the Institute of Trauma and Injury Management, which works within the ACI.

**JOHN CROZIER:** If I could just augment—in this jurisdiction in the last 12 months<sup>2</sup> there were 53 fatalities on bicycles.

**The CHAIR:** In the last 12 months in New South Wales?

**JOHN CROZIER:** In the last 12 months in New South Wales. This is data from Bernard Carlon, Transport for NSW, presented yesterday at a meeting with the Institute of Trauma and Injury Management, at which I was a participant. I do commend Hardeep Singh, who has collated work on behalf of the State that does show an almost exponentially rising trend in e-mobility related injury in the State, with peaks at the end of the year—exactly the time of the year when a range of gifts are being given—and more recently these will include electric motorised devices. Against that background of 53 fatalities of the cyclists and 9,536 hospitalisations of cycle-related injuries, where it's not clear how many of these are with an electric motor as a component of the bike

---

<sup>2</sup> In [correspondence](#) to the committee received 12 November 2024, Dr John Crozier, Committee Member, RACS NSW, Royal Australasian College of Surgeons, sworn and examined, provided a clarification to their evidence that the fatalities had occurred over five years (not 12 months).

---

**CORRECTED**

---

or whether it's a conventional bike—because coding is actually very problematic in this very rapidly evolving space.

I want to contrast that fatality rate with the pedestrian burden. In the last 12 months in New South Wales, there were 231 pedestrian fatalities—four times the number of fatalities as a pedestrian in New South Wales than was the case on bicycles. There were 4,700 pedestrians hospitalised in New South Wales, with injuries often requiring prolonged hospitalisations, a number of surgical procedures and, frequently, rehabilitation prolonged for years and years afterwards. That is especially the case when a brain injury is involved. Already, we've got a significant and growing burden in the hospitals.

The difficulty with coding is a very, very key problem. I know that in Liverpool Hospital, where I work, we've been using artificial intelligence to drill through the plain text fields entered in the emergency department. We have found that to be a much better way of identifying the probability that somebody has presented to the emergency department injured either as a pedestrian strike-by, rider on, or pillion of an electric mobility device. I can attest to the fact that numbers have been growing exponentially.

I also cite the experience out of Queensland. The trauma committee at a national level had been benefited by pro bono community members on that committee warning about the probability of a spectre of e-mobility device-related injury as a commercial operator was potentially going to begin to trade in Brisbane. Forewarned of that, a prospective emergency department study was conducted. That required staff to be directed to ask questions about and to code for e-scooter-related injury.

What occurred in a very short space of time of a commercial operator beginning to trade in 2018 in Brisbane was a significant burden of injury presenting to Brisbane hospitals—particularly to the Royal Brisbane and to the Alexandra, but the main was the Royal Brisbane Hospital. That data was then used by Brisbane City Council to hold the counterparty to task and curb a range of behaviours that were then apparent. It was also the basis for that commercial operator being required to show cause.

We have also just seen evidence presented at an inquiry in Melbourne. In one year's worth of data from the Royal Melbourne Hospital, there were 256 people significantly injured from e-scooter-related injuries with a burden of cost exceeding \$2 million in that year—and that's an unbudgeted increase in the impost of care for this cohort of injuries. The data was then used by Melbourne City Council to again hold the counterparty to task and see that commercial e-scooter operator prevented from further commercial operation. Might I say also, the corrupt practice of that e-scooter entity has come to public notice and also seen them excluded from operation in Auckland.

**The Hon. MARK BANASIAK:** I'm interested in the data as well. When we're looking at regulating something such as e-bikes and e-scooters, we need to look at causal factors in terms of what may have caused the injury or what may have caused the injury to be worse. I'm wondering whether there is any data around the use of helmets on these e-bikes and e-scooters and also whether any of the people who were injured were under the influence of alcohol or drugs—just for starters, whether there is any data around that, to your knowledge.

**JOHN CROZIER:** There's international and national experience. In the Swedish experience, with almost 40 per cent of those injured on e-scooters, alcohol is a component; a co-variable. The same is the case with the Brisbane cohort. It's above 40 per cent. In the Melbourne article that I referred to—and I'm happy to forward that to the Committee—it's 43 per cent that had significant alcohol on board as a co-variable. Internationally, again, it is the experience that disproportionately more of those who finish with serious injuries requiring hospitalisation and surgery, ethanol is a significant contributor. The helmet wearing—again, there is a significant difference in outcome where there's an approved bicycle helmet.

I do, though, commend evidence that I submitted showing CCTV footage. ABC Online released an image of two nights of operation of e-scooters in Darwin where there are seven impacts, at low speed, of riders who failed to perceive a kerb, and all of those were travelling at less than 10 kilometres per hour. Every one of those riders face planted the concrete. One-third did not have the helmet which was attached to the bike being used. The injuries in those low-energy impacts at 10 kilometres per hour to the face are horrific—shattered teeth, fractured mid-faces, permanently disfiguring injuries. When you see the youth, particularly the girl riders, it's horrible to contemplate.

There are plenty of open-source pictures from litigation in the United States showing these sorts of injuries and how fertile they are as cases for class action litigation. So not to be taken lightly is impact, even at low speed and where a helmet is fitted. The tests for those imply a vertical force. Most of the face is not protected by even a conventional, approved, well-fitted bicycle helmet. However, there is no doubt the difference in outcome. If you are wearing an approved, authorised helmet, correctly fitted, there's a significant reduction in brain injury, death and the probability of significant traumatic brain injury.

---

**CORRECTED**

---

**S. V. SOUNDAPPAN:** In kids, as I presented from our own data, we know that two-thirds are not wearing a helmet. I'm not aware of any published data on that in the paediatric world. But just speaking to our colleagues from the Children's Hospital at Randwick and other hospitals in our network which are some of the rural trauma centres, we are aware that there's a similar pattern everywhere that a number of children are not wearing helmets on these e-mobility vehicles.

**JOHN CROZIER:** And if I could just quickly supplement, the reported experience in that Melbourne cohort that I referred to was helmet use by 33 per cent.

**The Hon. MARK BANASIAK:** Dr Crozier, picking up on what you said—I think it might have been in your opening statement or to questions from Ms Faehrmann—you talked about the insurance burden. Given that there's a high level of people being injured while they're under the influence of alcohol, one would assume that would void any insurance. In those cases, we're also looking at a significant burden to the State having to pick up those medical costs that aren't covered by insurance.

**JOHN CROZIER:** Yes, and you've articulated that a lot better than I have in my clumsy attempt to make that point. The commercial operation—the small print, which people will often not read in detail as they click "approve" to use the device—requires them to both wear that helmet, to abstain from alcohol or other drugs and to comply with speed and other requirements. Many by self-report in the Melbourne experience exceeded the speeds, were not wearing the helmet and had alcohol on board. All of those are in breach of the licence agreement with the commercial operator, so voided is any indemnity requirement by the commercial operator. That burden then falls on the State to pick up the cost or, if it's an impact with a motor vehicle or on a road, the commercial third-party insurer, the government insurer.

**The Hon. MARK BANASIAK:** Do you think there should be mandated crash reporting to better inform the data that we have?

**JOHN CROZIER:** My personal view is yes. It's actually very difficult. We know in this State we have good publicly available data collection with injury, where police and ambulance evidence is collated with the hospitalisation, and it's about a 50 per cent matched experience presented on the Transport for NSW Centre for Road Safety that it does inform where those crashes occur and how severe they are. We don't have that level of fidelity with a lot of the motorcycle injuries; 50 per cent of those aren't matched. Even with serious injury, many currently will move to the hospital or health system and aren't as well documented or as well matched.

It's an even greater burden with the e-scooter-type injury, where many of those to the mid-face or dental fractures may not go to a hospital but will go to a dentist or an orthodontist or a general practitioner. Many of those soft-tissue injuries, dental injuries, are being managed outside the hospital system. The aggregate of that burden is huge. As I say, within the United States it's really fertile for the litigation lawyers. They're just poised for the class actions against the commercial operators.

**The Hon. WES FANG:** Dr Crozier, I'm just interested in relation to some of the evidence you were just giving. Where the insurers deny liability because there have been instances of no helmet wearing, alcohol on board, speeds exceeded, we know that the State Government, in this instance, will have to pick up the cost. What do you estimate that that cost could be, given that the Government announced that there would be a rolling out of this e-mobility framework?

**JOHN CROZIER:** That's not a matter of my personal expertise, but there are certainly actuaries or health economists who can give a much better impression than I can.

**The Hon. WES FANG:** Just in rough terms, you said earlier I think there was a doubling in other States on the data. Do you think that we're likely to see that sort of figure doubling, or a multiple of the incidents that we're seeing now, if this was to be rolled out?

**JOHN CROZIER:** I think the presumption is on the form of rollout, and I think that is the challenge for this Committee, to be very cognisant of and to give the appropriate weight and due regard for the current burden of injury that we have, noting that we haven't been as liberal in the rollout of, particularly, the commercial operation of e-scooters as has been the case, say, in Queensland or in Melbourne. It's a good thing that the jurisdiction is able to learn from and benefit from that experience, but potentially it could be a lot greater if the controls are not as good as they might otherwise be. I would particularly plea for caution with the boundaries around a trial. I would gently suggest that a lower limit on peak speed approved would be a more cautious and prudent way to roll out a trial than perhaps a 25- or 20-kilometre limit on shared paths, which is in draft road rules released this week, on Monday, by Transport for NSW. I would particularly make a plea for the restriction to come back to 10 kilometres per hour on those shared paths. It is there for shared zones, but particularly for shared paths where pedestrians will be sharing those paths.

---

**CORRECTED**

---

**The Hon. WES FANG:** When we had the operators appear yesterday, they talked about their insurance and that they've had their coverage and have been applying different safety aspects to their vehicles, some with cameras and some with helmet detection, et cetera. Do you think, in circumstances where New South Wales was to adopt this as a policy, we should have a compulsory-type insurance that commercial operators need to insure these vehicles so that, if we've got people who may not be following rules—for example, helmets not being on or the speed exceeded; maybe they're going downhill or they do have alcohol on board—the liability still falls with the commercial operators, not where it falls to the State?

**JOHN CROZIER:** Again, I'm not a subject matter expert there. It would be imprudent or wrong for me to speculate too much. What I can say is that the cat is largely out of the bag. I think if we look at the northern areas—Byron Bay and areas around there—the amount of fat-tyre bike riding, multiple riders, non-helmeted, similarly with e-scooters, the cat is well out of the bag. We have the evidence that the burden of injuries already from those rural and regional areas, of hazard, of injury, is significant—more significant, in fact, than some of our metropolitan areas. We're already bearing quite a significant cost, which isn't being well separated from the otherwise very significant burden of injury costs that this State bears. Thirty-eight per cent of our road crash occurs in this State.

**The Hon. WES FANG:** Were you or the royal college of surgeons consulted by the New South Wales Government prior to its announcement on Monday about the rollout of this e-mobility program?

**JOHN CROZIER:** No, but I don't think we're in isolation. I make a plea to the Premier, Mr Chris Minns, to be cautious in implementing policy, and a plea on behalf of the college of surgeons to proceed cautiously before operationalisation of a range of things that are foreshadowed. I have made reference to draft road rules that are already in circulation.

**The Hon. WES FANG:** In circumstances where the Minister was making the announcement only days prior to the starting of this inquiry, do you think their pre-emptive action is disappointing, given that we had subject matter experts such as yourself coming to give evidence that could have shaped better the policy before they announced it?

**The Hon. ANTHONY D'ADAM:** Point of order—

**JOHN CROZIER:** I understand what you are trying to achieve. I won't make a comment, though.

**The CHAIR:** Order! Dr Crozier, I need to hear the point of order.

**The Hon. ANTHONY D'ADAM:** These witnesses are here to provide evidence of fact and not general opinions about the appropriateness or otherwise of ministerial action.

**The Hon. WES FANG:** To the point of order: Mr D'Adam is seeking to run cover for the Minister. What the Minister did was make an announcement prior to this inquiry happening. I think that, for the subject matter experts, the people on the front line that have to deal with the circumstances when it goes wrong, it is appropriate—

**The CHAIR:** I am ready to rule. Witnesses who are not public servants are able to give an opinion if they wish, including on Government announcements. Obviously, in terms of the rules of committees, we are to treat witnesses with respect at all times, which is what has been happening. The witnesses are able to choose to answer the question how they see fit as well. I will allow it to continue.

**JOHN CROZIER:** I wonder if I could make a—

**The CHAIR:** Could we go to Dr Puttaswamy, just to balance the evidence?

**VIKRAM PUTTASWAMY:** As a point of fact, as far as we're aware, the New South Wales branch of the Royal Australasian College of Surgeons has not been approached about this matter.

**JOHN CROZIER:** If I could just make a quick point of advocacy, there was a front page photograph in *The Daily Telegraph* this week—I would make a cautious observation that the Minister who had released or was purported to have released an announcement was standing in an unsafe way on the scooter. It heightens the requirement for people to be well informed about how best to position themselves on these scooters. The naive rider is at particular risk. I commend a range of YouTube clips where people who are comfortable on a whole range of other devices talk about their wish that they knew rather more at the point in time they are giving their YouTube evidence and advice than had been the case when they started. These are very risky devices. The e-scooters are inherently quite unstable. The impacts at low speed—10 kilometres or less—can deliver very devastating injuries. Humans are not good at judging risk, and we are very fragile creatures.

---

**CORRECTED**

---

**The Hon. ANTHONY D'ADAM:** I wanted to ask about that. Isn't this really a question about risk tolerance, ultimately? All sorts of human activities, whether it's swimming in the ocean or riding a motorbike, attract a certain level of risk.

**JOHN CROZIER:** Over 50 years ago we used to ride motor vehicles without seatbelts. The Royal Australasian College of Surgeons worked with police surgeons and with politicians to introduce mandatory requirements for the fitment of seatbelts to vehicles over 50 years ago. The community protests were huge. The media backlash was huge. Now, without thinking, we get into vehicles which will electronically warn us if we don't have seatbelts fitted—not just the rider but every occupant of those motor vehicles. We are duty bound to establish systems that are safe and protect the risk-taker. That is what the college of surgeons are duty bound to advocate for. I gently observe that politicians also are duty bound to do the right thing in terms of establishing systems of greater safety for a greater number.

**The Hon. ANTHONY D'ADAM:** On this question around risk, I wanted to delve into the statistics that you started off with—the 53 pushbike fatalities. Was it your evidence that it was unclear whether those fatalities included people on e-bikes?

**JOHN CROZIER:** Yes.

**The Hon. ANTHONY D'ADAM:** How does that number compare, say, over a 10-year horizon? Looking back 10 years, that 53 fatalities on pushbikes is growing, is it?

**JOHN CROZIER:** There are variations. Through COVID there was a reduction because there was reduced exposure, but the trend has been rising. The State has increased its population significantly in that last decade. But that data is freely available from the Centre for Road Safety.

**The Hon. ANTHONY D'ADAM:** Can you elaborate? Is the growth in pushbike fatalities dramatically increasing or is it steadily increasing consistent with the population?

**JOHN CROZIER:** Steadily increasing with the population.

**The Hon. ANTHONY D'ADAM:** But doesn't that speak to the risk profile of these devices—that potentially, if you're saying that this number includes people on e-bikes, actually the risk relative to the risk that is attended to a non-motorised bike is similar? Can you speak to that question around the heightened risk around these devices relative to the risk of just riding a pushbike?

**JOHN CROZIER:** There are a lot of assumptions, I guess, in the question. The current reality is we've got low-assistance and high-assistance bicycles. A high-assistance device is up to 500 watts in this State, legally permissible for private purchase. That can travel in excess of 100 kilometres per hour. We have low-assistance devices where the person has to be pedalling, and we have conventional bicycles, where all of the work is done by the rider. The data code doesn't allow observations and ability to extract those. What I can say as a truism is that per kilometre travelled, regardless of whether it's a conventional bike or a low-assistance or high-assistance bicycle, the risks of killed or serious injury are lower than the same kilometrage for personal mobility devices. That evidence is available, and I'm happy to provide that to the Committee.

**The Hon. ANTHONY D'ADAM:** Can I ask about helmet wearing? So, a similar approach in terms of the traumas that are presenting to the Children's Hospital of kids who are injured for a pushbike injury versus an e-mobility injury, in terms of the numbers or the proportionality of presentations where the injured person is not wearing a helmet—is it basically the same? What I'm getting at is we've had helmet laws for pushbikes. People don't observe those laws and they get injured. Is it a case that it's a similar kind of proportion we can expect in terms of people not wearing helmets on e-devices versus people not wearing helmets on pushbikes?

**S. V. SOUNDAPPAN:** We know from our data that the compliance for helmets with bicycles is much better. It's more than 70 per cent compliance with helmets in the case of bicycles. About 25 to 30 per cent of kids still don't wear helmets on bicycles, whereas with e-scooters and e-mobility vehicles it's about 70 per cent not wearing a helmet. It might be that they think it's similar to—even though with the push scooters, also, a helmet is recommended, very often we see the number of children on the push scooters is very low compared to bicycles. So there might be a perception that this is different to a bicycle.

Compared to a pushbike, where you're mainly pushing, the speed that you can gain with an electric scooter or an e-bike is much higher. If you look at the fall mechanics, it's going to be different with the bicycling versus the scooters, as Dr Crozier already has told us. You're more likely to face plant with an e-scooter, whereas with your bicycles you are likely to fall to the sides. When you face plant, if you are not using your arms then it's more likely you get injuries to your face and your head, particularly if you're wearing a helmet. So the biomechanics are slightly different in terms of the pattern of injuries you will see with an e-scooter versus a bicycle.

---

**CORRECTED**

---

**The Hon. ANTHONY D'ADAM:** Is there a design question that can address that level of risk around scooters? What can be done to—

**JOHN CROZIER:** There is a huge amount of funded research. There are very sophisticated anthropomorphic test devices with very realistic crash depictions—side impact, front offset, frontal. I commend the DEKRA studies out of Europe. It's really horrific to see the range of injuries that can occur. Very sophisticated finite-element computer simulations are there—again, open and referable, and I'm happy to forward that evidence. On average, it's a 600-millisecond interval from a rider who impacts a kerb to when the face hits the kerb; 600 milliseconds is not enough for most people to perceive the threat. There's an instinctive grip of the handlebars as they're canted forward, and the platform on which they're standing actually levers and throws the rider forward.

At an impact with a kerb of 10 kilometres per hour, the rider will stay with their arms attached to the handlebars, as I say, instinctively. The acceleration of the head is huge and, by the time an impact occurs, it's over 600 g of force being impacted on the face. That's three times the threshold where traumatic brain injury is probable. That's an impact at 10 kilometres per hour. At 25 kilometres per hour, the rider is thrown, so we've got a horizontal tangential force as well as the vertical force.

The design of an approved, authorised helmet is not designed to take impacts from the front or the side. They are designed to take an impact from the top. The standardised testing is not really relevant for the kinematics, or the physics, if you like—well understood, well replicated in these finite element situations, well demonstrated repeatedly in independent crash lab assessments. Again, the data that I forwarded—in my dataset there was imagery of the sorts of tests that I have just described. In terms of mitigation, yes, there are things like inflatable bags on the fore posts of some of these devices. There's design incorporation in some of the European patterns of car so that bags will inflate externally to the car to protect cyclists or others who might impact the vehicle.

I neglected to say that with respect to bike fatalities, while we've had a significant number in New South Wales, it's over four times that in Amsterdam in the past 12 months. In a community where helmet wearing is not common, the price that community pays is much, much greater, proportionally, than has been the case in Australia, where for years we've mandated the fitment of helmets to bicyclists. We are certainly encouraging the continued litigated requirement for that for e-mobility device riders.

**The Hon. ANTHONY D'ADAM:** Can I ask one last question, which is just about what can be done to improve the overall data collection.

**WEI HE:** I'd like to take that one, if I may, and I also want to come back to the Chair's and also—I can't see your surname. Thanks for your interest in the data perspective. I just want to re-emphasise that because of the lack of coding scheme that we have in the system, I think we are not able at the moment to really come up with a very clear picture, especially by comparing those personalised mobility devices versus those conventional pedal cyclists or scooters. Maybe the problem we're seeing now is just the tip of the iceberg. As a member of the data management committee in ITIM, the ACI institute manages trauma data. We recently came up with a consensus agreement on how to capture data that related to those PMD-related injuries. There is a delay for us to really accurately capture the data, to revisit the data in the past few years, to kind of pull out the data that's relevant and to come up with a more kind of accurate picture or evidence that we are able to really inform. One of the pathways, from my perspective, is really better capture of the data that's related to those kinds of injuries.

**The Hon. Dr SARAH KAINE:** Thank you so much for your evidence today, all of you. I wanted to follow up on that issue. Can you be clear for me—is it a coding issue or is it a data quality issue? Is it that there hasn't been a determination of the right way to code the data or is it that the data doesn't exist? When you said an agreement has now been reached, is that about what the coding parameters are going to be about?

**WEI HE:** Thank you for the question. Exactly, it's a coding issue; it's not really a data quality issue. It's really more streamlined in how we capture the data, as Dr Crozier mentioned, because I'm the frontline data manager. We have to go into the free text notes to really see what was documented in all those medical notes. It's sometimes not really well documented and we have to do it personally.

**The Hon. Dr SARAH KAINE:** Has it not been done in other jurisdictions? Has there not been a similar coding frame elsewhere?

**WEI HE:** As far as I know, because we all use ICD coding scheme, that's not really that relevant. It's not possible for us to use that scheme of coding to actually pass out those PMD related—so, no.

**The Hon. ANTHONY D'ADAM:** Can I just clarify one further thing with Dr Crozier?

**The CHAIR:** Sure, but this is the last time.

**The Hon. ANTHONY D'ADAM:** You mentioned about draft road rules.

---

**CORRECTED**

---

**JOHN CROZIER:** Yes.

**The Hon. ANTHONY D'ADAM:** Where have they been published?

**JOHN CROZIER:** I am happy to forward them—the Transport for NSW website. They were promulgated this Monday.

**The CHAIR:** Is that the e-scooter—

**The Hon. ANTHONY D'ADAM:** This is the e-scooter—

**JOHN CROZIER:** No. The draft road rules.

**The CHAIR:** If you could get us that on notice so we can stick to time, that would be useful. We've also got Government members coming tomorrow, so we can ask them. Thank you for giving evidence. We are at time, I'm afraid. Thank you for your submissions and for the good work you all do. The Committee will be in touch if you've agreed to take anything on notice or if members have any supplementary questions for you.

**(The witnesses withdrew.)**

**Dr TOM WATSON,** Group Member, Inner West Council Bicycle Working Group, affirmed and examined

**Mr JOHN GROOM,** President, Illawarra Ramblers, affirmed and examined

**Mr SAM GARRETT-JONES,** Member, Illawarra Ramblers, affirmed and examined

**The CHAIR:** I welcome our next witnesses. There is provision for a short opening statement. Who is making one?

**SAM GARRETT-JONES:** John Groom will lead off, and then I'll say a few words, if that's okay.

**The CHAIR:** Excellent, thank you.

**JOHN GROOM:** Thank you for inviting us. The Illawarra Ramblers walk, paddle and cycle, doing those three things locally, within Sydney and regional New South Wales, and interstate. It is part of the \$1.9 billion per annum cycle tourism being talked about here tomorrow. We are often retired. As a club, we ride for leisure, and individually, for any reason to get on a bike. As early bike adopters, we focus on being legal, in short—with Bicycle NSW—and safe. We are across infrastructure where we ride and we plan really well. From our activities, members benefit from better health and longevity. Our community benefits from our participation, spending and volunteering, as do our regions when we travel. Federally, we pay a lot of GST.

Like many submissions, ours recommends more infrastructure. In a time of budget repair, the forever will have to wait for the infrastructure we need and it demands clever use of what exists now. We seek to have e-bikes share footpaths, with e-scooters it seems. Sam will speak on that. The State should provide guidelines for mobility use on footpaths, with pedestrian safety primary at all times. Councils should determine which footpaths in its area fit the criteria—for example, little pedestrian use and paths not too skinny and safe from vehicle incursions—and connect shared paths with each other—much safer than the adjacent road. Painted signage could then identify every footpath so permitted.

Not one submission I have read mentions funding for infrastructure. Start with this: Say from 1 January, the New South Wales senior concession transport fare goes up from \$2.50 to \$3.50. Every \$1 of that increase—new revenue—must go to footpaths, shared paths, rail trails, and unlike other submissions, not fund buyer incentives. Incentives too often end up in the wrong pockets. All extra funds going to new infrastructure is a great reason to justify the increase. Compensate a bit to the \$3.50 Opal network, add a few places—Bathurst, maybe. Go our build future!

**SAM GARRETT-JONES:** Thank you, again, for the opportunity to address the Committee. We are very pleased that the views of organised elder recreational e-bike riders are not being overlooked in this inquiry. John spoke of the benefits of riding e-bikes; I will flag the problems that we see and the actions that we'd like to see come out of the inquiry. Of course, all of those are detailed in our submission. The safety of our members and the community is our primary concern. Our ride leaders are trained and carry insurance. Yet we see almost daily the danger posed by overpowered and unregulated e-bikes and e-scooters. Many are ridden recklessly by riders who could easily be our grandchildren, so we feel for them. They risk serious injury or worse to themselves and other path users.

These dangerous e-vehicles should be dealt with by a range of licensing, regulation, education and enforcement measures. But we must distinguish between legal e-bikes and illegal mopeds. Several of the

---

**CORRECTED**

---

submissions to this inquiry wrongly tar them with the same brush. Legal pedelecs behave like bikes and should not be further regulated. Licensing them would be a huge barrier to entry. An increase in their limited speed to 30 or 32 kilometres an hour would make them safer to ride on busy roads. Other measures that we recommend in our submission include more bike-only paths, as the shared paths that we use are very overstretched, particularly along our beautiful coastline at holiday times. We'd like to also see better tourism promotion of cycling and active transport destinations, such as rail trails. We see a huge economic opportunity here.

We'd like to see better marking and signage on shared paths and cycleways, and intersections with roads and footpaths. We'd like to see better integration of e-bikes with public transport, both buses and trains. We'd also—maybe a little controversially—suggest a relaxation of the general ban of cycling on footpaths. Junior riders are exempt—why not seniors? We're not going to mow down old ladies; half of our e-cyclists are old ladies. Lastly, we'd like to see uniformity in the regulation of e-bikes nationally. We don't want to fall foul of the law every time we cross the border into Victoria, the ACT or Queensland.

**TOM WATSON:** The Inner West Council Bicycle Working Group is a local democracy group that assists council in developing cycling strategy, policy and designs for the inner west. We're made up of local residents who have a keen interest in improving the inner west cycling environment so that everyone can be more empowered to get around cycling, regardless of age or ability. Our view is that transport policies that reduce the mode share of cars by encouraging mode shift to public or active transport should be the highest priority. Naturally, we believe that bikes—electrified or otherwise—have an incredibly important role to play in this mode shift.

The most effective way of achieving this mode shift is to build an extensive, well connected network of high-quality cycling infrastructure. What does high-quality cycling infrastructure look like? To paraphrase Transport's wonderful Cycling Design Toolbox, that's dedicated cycle paths that are separated from motor vehicles and pedestrians, or mixed traffic where car speeds are lower than 30 kilometres per hour. A transport system with higher cycling mode share enabled by this high-quality network is cheaper, safer, healthier and more egalitarian than our current car-dependent transport system. Of course, there are other initiatives that government should pursue to improve active transport and micromobility, but they pale in comparison to the effectiveness of building a high-quality, extensive network of cycleways.

**The CHAIR:** I want to ask about education first of all. We were hearing from witnesses yesterday about the uptake in e-bikes, particularly amongst younger people. Maybe it's just anecdotal from my riding around. I think older people tend to understand the rules a little bit more around ringing bells on paths and slowing down, and letting people know that you're coming behind him and passing them on the right on a shared path and what have you. We heard evidence—and we know; we've seen it—of delivery drivers, as well as young people, zooming past very dangerously. I can't recall seeing at this point in time any education materials from the Government around what constitutes safe riding. Are there any, and what do you recommend in this regard? I'm sure greater investment in education is one thing. I will go to Inner West firstly, if you've got views on that.

**TOM WATSON:** I think the most effective form of education is cycleways and infrastructure that can be read instantly. You've got five to 10 seconds—even less than that; you've got half a second—to make a decision about how you're going to ride. It needs to be clear where you should be and how fast you should be going. That goes for all modes of transport. We're often worried about bikes on pedestrian infrastructure, but the question there is why aren't they on the road? It's quite apparent that the road is pretty unsafe, and that's why they're choosing the safer option.

**SAM GARRETT-JONES:** I would agree. I think that's something lacking. If you look at the Transport for NSW website, there is information on what's required on a bike, like a bell and lights at night, but not much instruction on when to use these things. I was brought up in the UK and remember at about the age of 10 or 11 doing what was called a cycling proficiency test, which was basically that—telling you about the road rules and how to behave, as well as how to control your own bike. Many of our members have been riding regular bikes for quite a long time, so they are fairly used to that. What we do is make sure that all the bikes are legal, with bells and what have you, before the start of an activity and point out the risks and the more dangerous areas that we might be going through. But, other than that, no, I couldn't point to any real source of education for a novice rider.

**The CHAIR:** I was thinking about that this morning, actually. I rode in this morning. I was looking for signs, for example—simple signs, as you say, Dr Watson—in terms of ringing your bell when you pass other cyclists. There really isn't what you would expect to see in terms of education and information for cyclists about how to cycle safely, but also for pedestrians, because pedestrians also need to know that when they hear a bell behind them, that is somebody coming to their right and they step to the left a bit.

**SAM GARRETT-JONES:** Yes.

---

**CORRECTED**

---

**The CHAIR:** There's not that much around that I can see of that. Do you know any good examples?

**SAM GARRETT-JONES:** There are some signs on paths basically saying, "Keep left. Ring your bell", that sort of thing. I don't know what schools are doing. Those tend to be the new riders. I would have thought that was something they could do but I've got no evidence that that's actually happening.

**TOM WATSON:** A positive example—the new Rozelle Parklands at the Rozelle interchange have clearly marked on the footpath which is an area for pedestrians and which is an area for cyclists and it's without a question as to where people should be.

**The CHAIR:** Another recommendation that was coming up yesterday—and I know this is controversial in the cycling community—is forms of registration now of bikes, recognising that there are different types of bikes now. We've got more powerful e-bikes—there are two levels. One organisation was arguing yesterday that in Switzerland there's a fast-pedal bike—in terms of e-bikes—and a more slow-pedal e-bike, plus there's e-scooters and other micromobility options. A number of witnesses were suggesting that they needed to be registered and people needed possibly to get a licence. On a broad level, I'd be interested in both of your organisations' views on whether that has worked in other jurisdictions, and possibly the pros and cons of a bicycle registration system.

**SAM GARRETT-JONES:** We're really only talking about what are currently the legal pedelecs, so speed limited to 25 kilometres an hour, and I think all our bikes would have a motor power of no more than 250 watts. So should they be regulated or registered or licensed? Our answer is very clearly no. Their handling and performance is very similar to a pushbike. Even were the maximum speed to be increased to, say, 32 kilometres an hour, as I believe is the case in New Zealand and many US states, that wouldn't affect our reply there. Legal e-bikes do not travel faster than regular pushbikes—in fact, quite the opposite. Almost all jurisdictions—Singapore maybe, I believe, is an exception—treat these bikes the same as pushbikes and do not require them to be registered or licensed or have features like illuminated turn signals that you might want on a more powerful vehicle. As I say, we have to distinguish between legal pedelecs and the high-powered throttle-driven e-bikes, and my comments only apply to the former.

**The CHAIR:** Can I get a reason? What are the reasons—because the cycling community has put this out before—why registration on bicycles would not work? That would be very helpful for the Committee. Yesterday we had witnesses saying that bicycles should be registered, so now is the opportunity to put on the record some good reasons why not.

**TOM WATSON:** I think, primarily, any barriers that we put in place to prevent people from cycling or detract from cycling take-up will have worse safety outcomes, as that impresses car dependency even further. Cars are already registered and licensed and still kill 300 people a year, so anything that stops us from getting out of our cars will have a worse safety outcome.

**SAM GARRETT-JONES:** I would agree. It's a big barrier to entry. If that was the proposal then you would ask the question, "Well, why doesn't apply to regular pushbikes too?" You've got a huge cohort of those bicycles and a major administration issue. I would say that it can be quite difficult to determine whether an e-bike is legal. We recognise that. Maybe things like compliance stickers could be affixed by the manufacturer or a retailer to make that clear. What I should say is that we're not against some form of regulation and licensing to those e-bikes which are currently not legal.

**The Hon. MARK BANASIAK:** My first line of questioning is to my fellow Illawarrians. How do you think the e-scooter trial down in Wollongong has been conducted? Do you think it's had any negative or positive impact in terms of people's perceptions of e-bikes and e-scooters?

**JOHN GROOM:** I've used it. Probably the main problem is that they're too slow. I don't want them to go faster but it's 10 kilometres an hour and six in some parts of central Wollongong. The last time I rode one, I was only going a fairly short distance. It cost me \$16. That was the alternative to walking. The scooters are left pretty much all over the place, but if you go out early morning, they tend to have been picked up overnight. They don't seem to be very well used, but the number of them lying there just keeps growing and they're springing into more areas.

**The Hon. MARK BANASIAK:** Would you support some sort of cap—this was raised yesterday—on a maximum level of e-bikes or e-scooters within an LGA so that we're not saturating an area with them?

**JOHN GROOM:** Probably I would. I would definitely suggest docking. The docking would possibly be at half-kilometre intervals.

**The Hon. MARK BANASIAK:** My other question is to you, Dr Watson. You talked about repurposing streets. There are a lot of smaller backstreets around the inner west, and a lot of them have trucks because there

---

**CORRECTED**

---

are warehouses et cetera around. How do you propose to navigate that issue in terms of the goal of repurposing streets but still allowing commercial activity to occur with trucks and warehouses?

**TOM WATSON:** I think, in short, there's plenty of room for everyone. Transport for NSW already has some great policies in the Movement and Place Framework and the Road User Space Allocation Policy. Those conflicts can be quite easily managed if speeds are low enough—30 kilometres an hour. That's actual speeds, not just posted speed limits. The design of the street should meet that speed. It's perfectly safe for bikes and cars to mix. Anywhere where speeds and traffic volumes are higher, separation is pretty important. That's physical separation, like a kerb barrier or a dedicated cycleway.

**The Hon. MARK BANASIAK:** I have a question to both of you now. We heard yesterday about the concerns around pedestrians and cyclists. If you had to choose between a shared pathway, where there is still potential for conflict, or a separation of pedestrians versus e-mobility, what would be the preferred option?

**TOM WATSON:** Is that question about infrastructure provision or my personal choice as to where I choose to ride?

**The Hon. MARK BANASIAK:** Infrastructure provision. If we were to go down a path of providing infrastructure, would you want a shared pathway model or would you prefer a separation between walking pedestrians and e-mobility devices?

**TOM WATSON:** Shared pathways are fine in circumstances where speeds are low or pedestrian volumes are low. Everywhere else, I think cyclists would prefer the convenience of moving at pace. That's why we've chosen our bikes. Separation is needed there.

**JOHN GROOM:** We believe that they should be separated where possible, particularly with the likely increase forthcoming of vehicles on the shared path. There is an instance in Wollongong where paths are now being created up to four metres wide with clearly marked pedestrian separation. It's going to take a long time and a lot of money to do all this.

**SAM GARRETT-JONES:** We're certainly of the view that, wherever feasible, cyclists and pedestrians should have dedicated paths or tracks. It's safer for both cyclists and walkers. We are a walking, cycling and kayaking club, so we've got lots of walkers there. We've heard from some of our members feeling unsafe on some of the paths. We also recognise that local councils are pretty short of funds for these sorts of things. Looking at a couple of the submissions, Shoalhaven City Council, for example, reports a backlog of over \$235 million on paths and crossings. It's not an easy solution, but we would like to see more dedicated cycleways.

**The CHAIR:** Quite a few witnesses said the same thing yesterday, by the way.

**The Hon. WES FANG:** Thank you very much for appearing today. I'm interested to hear from Illawarra Ramblers. You noted that you have a lot of old ladies potentially looking at some of this technology and that you're not going to bowl them over because they're part of your membership. In relation to the members themselves, have they indicated to you why there is that risk of injury? Is it the fact that these e-bikes and e-scooters are perhaps silent and quiet and they're not heard as they come up behind you, or is it the speed? I'm just curious. With electric cars, some of them are starting to now put an audible tone around them. Is it that some of your older members are not able to hear the scooter itself? Maybe an audible tone, as it's travelling, would be of assistance.

**JOHN GROOM:** That probably would be of assistance because of the speed that the bikes that are currently out there might come up behind us. We ride with a speedo in front of us, and we get overtaken by people going almost twice the speed, and we don't see them there even with a mirror, very often. We're very conscious of that. Our female members are concerned sometimes, and that's why they like riding with a group. That's where our strength is, and we cater for people who just want to enjoy getting out and using their energy.

**SAM GARRETT-JONES:** I think John's comment more applies to the shared paths, where the bikes are allowed to go. I think my comments about the old ladies was more about allowing us onto footpaths where bikes are generally not currently allowed to go. In our submission, we have proposed a 10 kilometres per hour limit if bikes were allowed on footpaths, which I believe is the same as motorised disability scooters—not the two-wheel scooters but the four-wheel or three-wheel ones. But, in practice, I think we would be going a lot slower than that. In relation to whether people can hear bikes coming, my observation at slow speed and close quarters like that is that the e-bikes are actually a bit noisier than a pushbike. The motor whirs and that sort of thing, and you're more likely to hear an e-bike coming than a pushbike. We would be very cautious on footpaths, of course.

**The Hon. NATALIE WARD:** Thank you all for your submissions and for coming along today. I was interested in also asking the Ramblers about your submission and the road rules. You do some regular cycling trips away from the Illawarra—I don't know why you'd ever leave the Illawarra—going to Victoria, Canberra and

---

**CORRECTED**

---

Queensland, and then you've gone on to make a submission about the different road rules. Can you talk to your experience in those other States? I think you're advocating, if I read correctly, for a relaxation of the rules governing riding on footpaths. Can you talk to that part of your submission and why you think that should change in New South Wales?

**JOHN GROOM:** With respect to Victoria, where we're more likely to go, their footpath rules are the same as ours, essentially. In Queensland, where we've been this year and last, we're still not affected a great deal because our trips away are essentially on made infrastructure—on rail trails. That's primarily the way we travel. The difference could be in some places where you might have to ride in a public space between trails, or between paths of trails. It generally hasn't been a real worry for us because sometimes we cheat a little bit and ride on the footpath for a short distance. That's the way it is.

**The Hon. NATALIE WARD:** You can take the fifth, if you like. You've gone on to say that, as a first step, you recommend that senior riders—say, over 64 years—of cycle bikes and legal e-bikes should be permitted to ride on those footpaths, subject to a speed limit. How do you see that, from a practical perspective, being enforced? Is that something that council rangers would look at or would it be a police thing? Similarly, we know that children can ride under the age of 16. How do you see that working, in practical effect?

**JOHN GROOM:** The way we see it working is that, because responsibility would be passed back to the council for deciding which footpaths should be used for pedestrian and cycling purposes, it would be up to councils to provide some degree of enforcement. But at the same time, for a flagrant misuse, there would have to be a police responsibility, which so obviously now isn't there. But that seems to be more of a directive rather than accident.

**The Hon. NATALIE WARD:** What do you mean by a directive?

**SAM GARRETT-JONES:** The point to make is that cyclists ride on footpaths only when they feel unsafe riding on roads. The obvious solution to that is what we were talking about before, which is dedicated cycleways or measures that make cyclists feel safe on roads. Another point I'd make is that in many places, it's rather unclear where a share path and cycleway has ended and a pedestrian footpath has commenced. One thing that we would like to see is much greater use of clear signs, showing whether bikes are permitted or not.

**JOHN GROOM:** That particularly occurs where, within a council area, there will be all different widths of footpath. You don't know, when you're going from, say, a two-metre-wide footpath to a 1.5-metre-wide one, whether that is still acceptable.

**SAM GARRETT-JONES:** Still a cycleway, a shared path or a footpath.

**The CHAIR:** Dr Watson, the inner west is the very different to the Illawarra in that. Do you also have comments on that?

**TOM WATSON:** That's exactly what I was mentioning earlier about the design of the footpaths. A bit of blue paint isn't necessarily very clear. The width of a path is really clear as to whether it's acceptable to ride on, but there is a real hodgepodge of different infrastructure built. When you're riding along and you've got that half a second or one second to make a decision as to whether you go down this curb or stay on a what you think is a shared path, it has to be abundantly clear.

**The Hon. ANTHONY D'ADAM:** I wanted to ask Dr Watson about this idea about making traffic lanes narrower. Could you talk us through that proposal?

**TOM WATSON:** That's very context relevant. Obviously, on motorways you need good, wide lanes. But in residential streets, if you have a 12-metre wide road with no lane markings and no parking, cars will travel along that at 60 or 70 kilometres per hour, happily, because there's no indication that they shouldn't, except for maybe a speed sign that they're probably not paying attention to. If the road was narrowed through planter boxes or even paint, it becomes more apparent that this is an environment that requires care, and they will slow down.

**The Hon. ANTHONY D'ADAM:** I see. So you're talking about, from the kerb, not actually narrowing the lanes in general.

**TOM WATSON:** Yes, the driving area. This would be most relevant for one-lane-each-way streets or one-way streets with one lane. For multi-lane roads, it's less relevant.

**The Hon. Dr SARAH KAINE:** Could I ask a question about the bikes themselves? There is this issue we've been discussing about different classes of e-bikes. Mr Garrett-Jones, you spoke about the e-bikes you use handling much the same as a traditional bike. We've had some evidence about the weight of bikes. I haven't ridden any of the e-bikes. Are they heavier? In that sense, could they cause more damage because they're heavier or more

---

**CORRECTED**

---

cumbersome? Is that, again, a function of how big the engines are? Does that affect it? Excuse my ignorance of the mechanical engineering on that, but could you answer that?

**SAM GARRETT-JONES:** Yes, I think that is definitely the case. I have a regular pushbike, not a lightweight road racer. That weighs in at around 17 kilograms. My e-bike is—and I haven't weighed it—maybe 23 or 25 kilograms or something like that. You've got the batteries, which are quite heavy, and the motor itself is quite heavy. They tend to put them on rather chunkier frames as well. So, yes, I think, unless you pay a fortune and get the carbon fibre everything, they're going to be substantially heavier than a regular pushbike. I've never ridden a fat bike. I can't comment on their handling or their weight. They look pretty chunky. I would have thought they are that much heavier again. I imagine there would be a greater kinetic effect because of the weight. Indeed, when I've had a slight fall off the e-bike, it's a bit heavier on your legs and body.

**TOM WATSON:** I'll just add that I ride a cargo bike with my toddler. It weighs about 30 kilos, but in my adult years I've gained 20 kilos. Often I get groceries. I can comfortably carry 20 kilos in panniers on a regular pushbike or 40 kilos of groceries in my cargo bike. The variability between what my bike weighs from ride to ride, I think, is larger than the variability in models available at the bike shop.

**The Hon. Dr SARAH KAINE:** How fast does your e-bike go?

**TOM WATSON:** It's speed-limited to 25 k's an hour.

**SAM GARRETT-JONES:** I think that point is very true. I remember watching an interview with a road racing cyclist once and he said, "Don't bother to buy the ultralight bikes. Just lose five kilos off your body." So you've got to take into account the weight of the rider as well.

**TOM WATSON:** I'd rather be hit by an Illawarra Rambler than a Tour de France cyclist on a six-kilo carbon frame.

**SAM GARRETT-JONES:** We've also got to compare the impact of motor vehicles, cars.

**The Hon. Dr SARAH KAINE:** Can I also confirm—I just want to make sure that I did get your answer correctly. When you were talking about registrations or not, which was the question from the Chair, you were talking about the current situation with the lower powered bikes that are speed-limited; you weren't extending that across higher powered—

**SAM GARRETT-JONES:** Absolutely not, no. We think the ones which are currently legal and treated basically as pushbikes under law—that should remain. For higher powered throttle bikes, no, they're clearly a danger the way they are. They're not speed-limited and they can go much, much faster. No, they should either be removed from the public arena or regulated in some way so that at least the riders can ride them safely and in the right places and that's not on shared paths. They could possibly be on some bike paths, but essentially on roads.

**The Hon. Dr SARAH KAINE:** Dr Watson, what is your view on that?

**TOM WATSON:** I would agree. The current restrictions on e-bikes are fine and 250 watts is 2½ times what an average cyclist can maintain without assistance. The faster, heavier, more motorbike-like bikes are probably better classed as motorbikes.

**The CHAIR:** I might jump in with a question about the carriage of e-bikes. The Illawarra Ramblers—you put this in your submission. This is probably actually relevant for both organisations. But you've said that trains and buses need to be modified to accommodate easier carriage of e-bikes. We know it's hard enough sometimes for the trains to carry ordinary bikes. We're still dealing with that issue. But could you expand on that more—the need for public transport services in New South Wales to accommodate different e-mobility options? I'll start with the Illawarra Ramblers.

**JOHN GROOM:** We travel on public transport often. We go to Manly and ride around Narrabeen lake all by public transport. We can't wait for public transport to catch up with the cyclists and for more space on suburban trains into city trains—country trains in particular. What a disgrace! We use them already. Buses—do a Canberra; put hooks on the front of the buses. Some of the solutions are fairly easy and not so expensive. As I say, we use it and other groups use trains as well. There can be a problem in that there gets to be a few of us, particularly if there are prams, but we all work it out.

**SAM GARRETT-JONES:** We try to avoid peak times and school holiday periods.

**The CHAIR:** Which is different, obviously, to commuters—

**SAM GARRETT-JONES:** Yes.

**The CHAIR:** —and the target of trying to get more people to commute.

---

**CORRECTED**

---

**SAM GARRETT-JONES:** That's why, as recreational cyclists, we have that option.

**The CHAIR:** Dr Watson, do you have any comments on that?

**TOM WATSON:** The way the metro brought in the bike lockers at stations, I think it's a fantastic way of getting people to mix cycling and public transport, and more secure bike parking in general will help that.

**The CHAIR:** Thank you so much for coming in today. We really appreciate your evidence and submissions. The Committee will be in touch if members have any further questions for you or if you've taken anything on notice.

**(The witnesses withdrew.)**

**(Short adjournment)**

---

**CORRECTED**

---

**Mr HAROLD SCRUBY**, Chief Executive Officer, Pedestrian Council of Australia Ltd, affirmed and examined

**The CHAIR:** Mr Scruby, do you have an opening statement for the Committee?

**HAROLD SCRUBY:** The Pedestrian Council has been promoting walking for over 30 years. It's the primary transport mode and it's how we can all get fit. We were very concerned about what's happened in the last four or five years with all these electric devices. In 2019 Minister Constance formed what was known as the e-scooter advisory committee, and you all have a copy of the recommendations. We worked for a year—a year—with all the key stakeholders. We met every month. We had lots of disagreements, but the nice thing was we came together at the end and our recommendations were unanimous. I repeat: unanimous.

You couldn't have got a better committee. They included Transport for NSW, New South Wales police, NSW Ambulance, SIRA, Guide Dogs, NRMA, Youthsafe, Bicycle NSW, Office of Local Government, Council on the Ageing and seven local councils. All the e-scooter providers were there, and all took part in these deliberations. The recommendations, in my view, are exceptional. They would be the best in Australia if they were to be implemented. I haven't come here to say, "No, never" to e-scooters or other e-rideables, but I ask the Committee to try and look into a crystal ball and imagine—and you can see I've left you a copy here of this ad that's on the internet. You can now buy an e-scooter in New South Wales that will do 120 kilometres per hour.

I would like to say there is, in this document, the scope to provide an excellent e-scooter operation in New South Wales—better than all the other States and Territories. Where we differ, mainly from Minister Haylen, are four or five major points. They're all here: one, a minimum age of 17—and don't forget three other States are 18; two, a driver's licence; three, some form of numberplate—don't say that can't be done, because in places like Europe they already have numberplates and they can be identified; four, a maximum speed limit of 10 on shared paths. I'd like the Committee to really cross-examine me on this because this is the most critical part. I will, when we get into further discussions—if you want to ask the question—refer to a letter from the former CEO of the RTA in 2002 giving the science behind why the speed limit on a shared path should be 10.

There are a number of other issues. We will get into them in a minute. But what I'd really like the Committee to do after this tomorrow, when you have the people from Transport for NSW giving evidence under oath, I would like you to ask them these questions to go through to the Minister, because these are the critical issues that are not already in our submission. I'm probably up to my three minutes, but there are many other issues. May I say this: This is a very complex issue. If you look at a worksite 10 years ago, every tradie had a power cord attached to their tools. Today it's all batteries. Today we're getting electric cars. The technology is exponential. We have to try to imagine if we open the floodgates now to hoverboards—e-hoverboards, e-monocycles, e-skateboards. We had a trial here for two years based on share hire. They are chalk and cheese to private e-mobility—chalk and cheese. They have insurance. They know who is riding the things. They can govern the speeds. They can geofence areas.

All of that falls out the door when you have private e-rideables. So, please, I'm here to promote walking and active transport. Fortunately—and I'll refer to this later—I'm on the Road Safety Advisory Committee. We got a briefing on 11 September called the Road Safety Advisory Council Briefing Paper. There it is. There's a copy for you if you need it. Five or six people have all got "Active Transport" after their names. They are promoting e-scooters as active transport. You'll see in our submission five of the world's leaders in this area have said, "Calling this active transport is"—I won't call it a lie, but it's deceptive. You get more exercise loading your dishwasher than hopping on an e-scooter. And to pretend that this is going to help the health of our nation is not true. I'll also get to—if you want to ask me questions on this—how the people like Vision Australia feel. Ninety per cent of them are now saying they don't feel safe on footpaths because of e-rideables.

**The Hon. MARK BANASIAK:** Thanks, Mr Scruby, for coming in. Just to go to the concerns you raised about the trials and the lack of enforcement, you talk about only two penalty notices being issued during this two-year period. Do you think this lack of enforcement undermines the public confidence in being able to have effective e-rideable regulation and being able to effectively enforce it if we can't even enforce a trial?

**HAROLD SCRUBY:** There's an ancient axiom which goes, "Non-enforcement of the law will encourage its disobedience." Where I live on the northern beaches, if you come round at three o'clock, you will see a beehive of children coming out on these Fatboy bikes. Ten per cent will be wearing helmets. Half of them will have fixed up the bike so that they're no longer regulated to 25 k's. They're not pedalling; they're racing through shopping centres. I know the police well. I've been on committees with them for years and I have high respect for the Police Force. They do not have the resources to enforce these new e-scooters, let alone e-bikes. Why are we suddenly forcing this upon them where they're not going to look good? Because, I promise you, there have been seven deaths alone this year in Queensland, and a lot of that will come back on the police because it will look like they're not enforcing the law.

---

**CORRECTED**

---

We're creating a generation of kids on the northern beaches who believe they can break every law under the sun. They think they can ride on a pedestrian crossing. They think they don't have to wear helmets. They think they can triple on a bike. I've got a motorbike licence. I had to ride for a year before I could double. These kids just hop on. They are effectively uninsured, unregistered motorbikes.

**The Hon. MARK BANASIAK:** I recall probably seven or eight years ago we had the fascination with the minibikes. Obviously they're more expensive than these e-bikes are. Is it your thoughts that these e-bikes are making it more accessible than they were with minibikes, but exacerbating the problem of enforcement with police? I recall police just having to call off chases with kids riding mini bikes as soon as they reached a certain speed or they were ducking through parks or whatever. The cops just said, "No, we can't do anything about it." Are we going to create that problem but at a larger scale because these e-rideables are cheaper to purchase?

**HAROLD SCRUBY:** There's a bigger problem. Police are not allowed to book children under 16. They're prohibited. They can't even issue them a formal caution. And that's because they've got no means of paying the penalty. We have no system where we can fine the parents. If they run into someone and cause grievous bodily harm—maybe long-term care, maybe brain injury, quadriplegia—who is going to pay? We know what's really going on. The police cannot enforce under 16. Who do you think the major riders of these will be? You've got Ms Haylen saying, "Oh, well, they'll be able to go and enforce it." She uses that lovely word "compliance". You never hear the word "enforce". Never. It doesn't cross her lips. It's "compliance".

The police are expected to go out with no resources—they haven't been properly consulted on this, but have a look at the committee we were on. They were on that committee. They endorsed all these rules and regulations. Where are they now? Why has this been so silent? Why has the advice from Transport for NSW Centre for Road Safety been kept out of this report? Why doesn't the word "pedestrian" appear in this report? I'm telling you it's something from Hans Christian Andersen. The emperor—or the empress—has no clothes. No-one is allowed to question it. It's groupthink on steroids.

**The Hon. MARK BANASIAK:** To go to that point, you obviously spent a lot of time on the consultative group that looked into this. You came up with some mutually agreeable recommendations in the face of differing views. That's been ignored. You've then been given this document in September—a briefing paper—that basically disregards all that good work as well. Do you think these sorts of actions actually discourage groups like yourself actively consulting and trying to actively help the Government to navigate problems like this when your recommendations are essentially thrown back in your face?

**HAROLD SCRUBY:** I think more so that the house of review, the upper House, has been held in contempt. You're holding an inquiry. You're the house of review. And the day before it starts, the Minister comes out with both guns blazing on the front page of the Telegraph telling us that we're going to have them. I mean, to me, that is not the way Parliament should work. You are the house of review. Why would it hurt to wait several weeks? We're not going to do it at Christmas. Why would it hurt to wait to see what you say? Since this review that we did, and it came out in 2020, I've not heard one person from this group talk to us, and yet we're the most vulnerable road user. The highest cause of death after 50 is a fall, and we're saying open slather. We're saying, "Let's use a two-year share hire trial to be the basis for releasing every known e-rideable under the sun onto our footpaths."

She'll say, "Oh no, but they're not allowed on the footpath." Oh, really? Tell a 14-year-old that, whose dad has just bought him one of these. Please, this is just la-la-land stuff. You have the ability, as a house of review, to go back to the Minister and say, "Have another go, because this is not good enough." We have the opportunity to follow the advice of the e-scooter advisory committee and have a year trial of e-scooters. We could do that. Not all the other stupid e-rideables. Do you really want an e-skateboard up your rear end when you're trying to go for a walk with your partner? They don't have a horn or a bell and yet that's required on an e-scooter. They're just flouting their own rules. I'm sorry, I'm going on for too long, but I'm a bit emotional about this and this is a day we have a chance to let a bit out.

**The Hon. WES FANG:** Mr Scruby, I'm down with you: sunglasses. In relation to the consultation process, obviously the Minister has announced a policy before the inquiry has actually started. How do you feel that that cuts across the consultation process?

**The Hon. ANTHONY D'ADAM:** Point of order—

**The Hon. WES FANG:** How do you feel that the Minister has acted in relation to seeking to—

**The CHAIR:** A point of order has been taken. That was a very long question, Anthony, so I was hoping he would get to finish it first.

---

**CORRECTED**

---

**The Hon. ANTHONY D'ADAM:** My point of order is that the witness is entitled to be treated with respect. I fear that Mr Fang is mocking the witness. That is not appropriate.

**The Hon. NATALIE WARD:** Not at all.

**HAROLD SCRUBY:** I didn't feel mocked.

**The CHAIR:** The witness has said he is not feeling mocked.

**HAROLD SCRUBY:** Can I answer the question, Madam Chair?

**The CHAIR:** I will just rule on the point of order. I think Mr Fang was just trying to be funny.

**The Hon. NATALIE WARD:** Get a sense of humour, Anthony.

**The CHAIR:** No offence taken. Let's continue. It is distracting, frankly, Wes, for you to have those glasses on. Your point has been made.

**HAROLD SCRUBY:** Sorry, I'll take mine off.

**The CHAIR:** No, I was speaking to Wes, not you.

**The Hon. NATALIE WARD:** He was being empathetic to the witness.

**The CHAIR:** Let's continue. Time is limited. Mr Scruby, did you get the question?

**HAROLD SCRUBY:** Yes, I did, if I may answer. I think it's a disregard for parliamentary process. It's undermining the inquiry's purpose. It's a lack of consideration for the other stakeholders. It's a potential breach of ministerial responsibility. It's an erosion of the checks and balances. I shouldn't say this, but it might even have constitutional issues. You are a sovereign independent body and you should be unfettered in your consideration of what's before you and the evidence you receive. You should take it into consideration without the Minister going on the front page of the Telegraph telling you the decisions have been made. It's unacceptable and it's undemocratic. I was shocked when I saw it.

**The Hon. WES FANG:** Thank you, Mr Scruby. And I certainly wasn't mocking you. It was a sympathy matter. I think it suits Bob Dylan and you very well. In relation to the Minister making the announcement without this inquiry having been concluded or even started, I imagine that you are the peak pedestrian body in Australia. Was there consultation with you prior to the announcement?

**HAROLD SCRUBY:** No.

**The Hon. WES FANG:** Not only did the Minister disrespect the upper House by making an announcement the day before this inquiry but the Minister didn't seek to consult with the peak pedestrian body in Australia. In relation to the announcement, she just made the announcement without any regard to pedestrian safety, is that right?

**HAROLD SCRUBY:** I agree. I don't think she has listened to her own department, the Centre for Road Safety, who I believe have already said you cannot go to 20 kilometres an hour. Mr Fang, while you are on that issue, there is a letter—there is an old saying from an old politician once that says if you want to succeed in politics, keep a good sense of humour and a good filing cabinet. Here is something out of my filing cabinet from 2003 from the head of the RTA. He goes on to talk about shared zones. He argues against increasing the speed from 10 to 20. Effectively, he says that it increases the risk of injury to pedestrians by five times. It's not doubling it from 10 to 20; it increases the risk five times. In Victoria, it is 10 kilometres an hour. In Queensland, when it was 25, they had so many deaths and injuries they had to reduce it to 12. Guess what? That doesn't appear in the report. Nothing about that is there. It has all been sanitised, homogenised and double preshrunk and put out to la-la land, and we are expected to cop this. This is one of the biggest decisions you are going to have to make, opening up our footpaths.

**The Hon. WES FANG:** We've spoken about Minister Haylen making an announcement before, but behind the Minister there was also the Premier and, I would imagine, also the roads Minister. Have any of those people reached out to the Pedestrian Council to seek feedback or liaise in relation to this decision?

**HAROLD SCRUBY:** No.

**The Hon. WES FANG:** So you've not heard from the Minister for Roads, the Minister for Transport or the Premier in relation to probably the biggest policy change for pedestrians in this State's history?

**HAROLD SCRUBY:** Well, only to be given this brief by the so-called Active Transport group. I have here what they call the briefing paper. We had nothing to do with the briefing paper. We were never consulted. The word "pedestrian" doesn't appear in it yet we're the most vulnerable road users. Why aren't we at the top of

---

**CORRECTED**

---

the food chain telling these people what we think would be a good idea? We were given that opportunity under Minister Constance, for which we were grateful. Can you imagine a committee of that size being unanimous? I can't ever remember that sort of thing. I was on a local council for eight years and we were never unanimous on anything.

**The Hon. WES FANG:** We've looked at the issue of the Executive Government having not consulted with you. What about Transport for NSW? Did anybody from Transport for NSW reach out to you as the peak body for pedestrians prior to the Minister making the announcement on Monday?

**HAROLD SCRUBY:** No, I can't say they reached out to me. Obviously we discuss things with people in the road safety area.

**The Hon. WES FANG:** Were you made aware that they were going to have the announcement at all?

**HAROLD SCRUBY:** No idea.

**The CHAIR:** Mr Fang, we might need to leave that line of questioning there. We've still got maybe three other members who wish to ask questions. Ms Ward?

**The Hon. NATALIE WARD:** Thank you, Chair. Thank you, Mr Scruby, for coming along and for your devotion to this issue over many years. You've been very consistent in your advocacy for pedestrians. Thank you for the time you've put into providing these documents. Just on that 11 September briefing paper, are you able to table that or provide a copy on notice to the Committee?

**HAROLD SCRUBY:** Yes.

**The Hon. NATALIE WARD:** Noting that that doesn't mention pedestrians. I was just interested in the presently unregulated, unidentified, unidentifiable kids out riding bikes. We all want our kids getting outside. We want them getting off screens and we want them exercising and all those good things. But the reality, which I think you mentioned, was that we've got these kids on a 20-kilo electronic bike or scooter going 25 k's an hour—potentially more—without helmets and with a number of kids on there. I have seen it myself. Given that it's electronic they don't have to pedal, they can just go along on it. That's not a transport solution, is it, Mr Scruby? That's a disaster waiting to happen, isn't it? That's a potential tragedy.

**HAROLD SCRUBY:** Walking and cycling. "Walk" is the best four-letter word in the dictionary. It gets us healthy. I walk every morning. It makes me feel good. We have been promoting Walk to Work Day and Walk Safely to School day for 25 years, getting kids to walk. What are we doing? Are we going to have "e-scooter to school day"? Are they all going to be fat zombies by the time they leave school, or are we going to get them to get healthy? How dare these people in Transport for NSW call themselves "Active Transport"? It's a ruse. It's meant to put it in bubble wrap and make it look good.

**The Hon. NATALIE WARD:** Given the scooters and the bikes are out there, and given the Minister has raced out to make an announcement before this inquiry—in fact, the Government didn't instigate the inquiry; I requested and suggested that we should have this inquiry, and the Chair kindly agreed, and suddenly there was a rush to make an announcement without consultation. Given there are these bikes out there, I think you mentioned the licensing and a potential way to identify. We have heard evidence about the potential opportunity to educate these young riders, who will soon be drivers, and an overseas example where that has happened with 14-year-olds, similar to our junior boat licence. Do you care to comment on that opportunity?

**HAROLD SCRUBY:** That is the way through. If you ask any police officer, if there is some form of licensing and identification they can have a much better chance of enforcing the law. No police officer is going to chase a kid on an e-scooter. Firstly, the child might hurt themselves, or the rider; secondly, they might hurt themselves; and, thirdly, other people might get hurt. So they will not chase them. They're unidentifiable. Why don't we require—let the community pay for it—some form of numberplate? They're right through Europe—you can see them—so that's not impossible.

Number two, why not make sure they know the road rules when they first get on one of these? Remember, Ms Ward, they're on eight-inch wheels four inches above the ground. They hit a tiny pothole, they come off. This is not a bicycle. There are so many other things emerging. The technology is mind-blowing. It is as fast as mobile phones. We've got a chance today to set a path for the future which is safe, sustainable and encompasses walking, cycling and other forms of e-mobility or micromobility.

**The Hon. NATALIE WARD:** And coming into Christmas, if mum and dad are thinking about buying these devices, click-click on Amazon, get something cool for Christmas and we want to deal with this behaviour as quickly as possible. Surely, potentially, a licence on the bike or some form of numberplate or identification of the bike—

---

**CORRECTED**

---

**HAROLD SCRUBY:** Yes.

**The Hon. NATALIE WARD:** If mum and dad get a \$350 fine, that behaviour is going to change pretty quickly by those kids on the bike. Is that fair?

**HAROLD SCRUBY:** The funny thing is, Ms Ward, the expensive fine is only for helmets. All of the others are \$139, which is farcical. When we did our FOI, we found that there was no data at all on how many children or riders had been booked for unregistered, uninsured motor vehicle because it's the same law part code as that of an ordinary motor vehicle. There is no data there at all about enforcement. You know the new Fatboy bikes? If you get the instructions, it says, "This is a registered pedelec." It will cut out at six; you have to start pedalling, and it will cut out fully at 25 k's. However, it says, "If you want this to be an off-road bike, tweak the throttle, push button B and it will do 50 k's without pedalling." These kids are riding around on unregistered, uninsured motorcycles all over Sydney and we're going, "Oh, well, let's turn a blind eye to this because it is active transport."

**The Hon. ANTHONY D'ADAM:** Is it correct that you're on the Road Safety Advisory Committee?

**HAROLD SCRUBY:** I am.

**The Hon. ANTHONY D'ADAM:** Were you at a meeting on 11 September?

**HAROLD SCRUBY:** I was.

**The Hon. ANTHONY D'ADAM:** Is it correct that you were briefed about the proposed changes by Transport?

**HAROLD SCRUBY:** I said that when I presented the brief.

**The Hon. NATALIE WARD:** That is what he said; he has the briefing paper.

**The Hon. ANTHONY D'ADAM:** How is it that you can assert there was no consultation with the Pedestrian Council?

**HAROLD SCRUBY:** After the fact. I was given this on the eleventh. I've already presented—

**The Hon. ANTHONY D'ADAM:** It's not the law, is it? It's not the law at the moment. It's a proposal.

**HAROLD SCRUBY:** This was the findings after a two-year trial. That's the only consultation I've had during that entire period. It's the only consultation I've had since we released the e-scooter advisory recommendations. That's all—

**The Hon. ANTHONY D'ADAM:** Are you not on the same plane as everyone else who has been consulted about this?

**HAROLD SCRUBY:** No, because this has been internalised. What was a key stakeholder committee has been internalised. It's all been put into the Government. I don't even think the police have had much involvement in this.

**The Hon. ANTHONY D'ADAM:** We're in the middle of a consultation process at the moment.

**HAROLD SCRUBY:** That's what I think is fabulous and I commend you for it.

**The Hon. ANTHONY D'ADAM:** What more are you expecting the Government to do?

**HAROLD SCRUBY:** Listen.

**The Hon. ANTHONY D'ADAM:** That's what they're doing at the moment. That's what a consultation process is about.

**The Hon. NATALIE WARD:** This isn't the Government. This is an upper House committee.

**HAROLD SCRUBY:** This is half the Government. I'm sorry, but this is the upper House.

**The Hon. Dr SARAH KAINE:** Yes, but there was a meeting on the eleventh.

**The CHAIR:** Have you got questions?

**The Hon. NATALIE WARD:** Point of order: It is the procedural fairness motion that courtesy should be accorded to witnesses, and perhaps the members, as passionate as they are, might be reminded of that.

---

**CORRECTED**

---

**The CHAIR:** I will uphold the point of order to treat witnesses with respect, and if you do have questions about the process for Mr Scruby, formulate a question about it as opposed to what seems to be challenging his version of events.

**The Hon. Dr SARAH KAINE:** If I could ask a question, then. Mr Scruby, you were at a consultation session about a proposal for things that haven't been decided yet on September 11.

**HAROLD SCRUBY:** Let me explain. I have been a member of the Road Safety Advisory Committee—"advisory" is an interesting word—for over 15 years. I attend every meeting. I am yet to advise anybody on anything. We were advised. We weren't given any input into this whatsoever. I have tabled this. I'm not saying for a minute that on the thirteenth or in early September I didn't receive this briefing note, but we had no say in it. It doesn't mention the word "pedestrians", and if you were running a pedestrian organisation, you would be concerned too, would you not?

**The Hon. Dr SARAH KAINE:** My question was whether you'd been consulted on the eleventh and apparently the answer was yes, so thank you for that.

**HAROLD SCRUBY:** The answer is yes.

**The Hon. MARK BANASIAK:** To counter that, what happened on the eleventh? Do you consider it consultation or do you consider it you being told that this was going to happen? Because for me there's a difference. Consultation is back and forth. Being told, "This is going to happen," is another thing. In your view, was that consultation adequate?

**HAROLD SCRUBY:** No. I got to ask the woman who presented it a couple of questions. I said, "Why did you increase the speed from 10 to 20?" She said, "Because a lot of the e-scooter riders felt wobbly at 10." That's the only science we were given for increasing this from 10 to 20. This is the most critical point in this whole debate. You will increase the speed five times more dangerously. Why don't we change the name to the road safety advised committee, because it wasn't advisory. I was advised; I wasn't consulted.

**The Hon. NATALIE WARD:** Just in terms of that, clearly it has already been decided. The Minister did a photo shoot. The Minister went out with the announcement without saying, "This is what we are proposing to do. Do you have some input prior to that?" That's correct, isn't it?

**HAROLD SCRUBY:** No idea what's coming. I thought, "But I'm appearing next week with the upper House. Why is she doing this today?"

**The Hon. NATALIE WARD:** And the questions from the Government members haven't been about your thoughts; they've been about disagreeing with your evidence today. That's essentially the case, isn't it?

**HAROLD SCRUBY:** You can ask me any question you like. I've tried to lay it all on the table. We were not consulted from the time we released the e-scooter advisory recommendations until then.

**The Hon. NATALIE WARD:** Would you like to be consulted further?

**HAROLD SCRUBY:** Wouldn't you think that a peak body representing the most vulnerable road users—26 million of us, or eight million in New South Wales—should have been consulted? We are the most vulnerable. This is the interesting point for the Committee, and that's part of these questions which I hope you'll ask tomorrow. If a driver hits an e-scooter rider and injures them—catastrophic injury and 20 million bucks—it goes straight to SIRA or the insurer. If an e-scooter rider hits a pedestrian—nothing. We have to go and chase that person and identify them. Hopefully their parents have got a lot of money, but you may not even be able to sue the parents. They might be riding another kid's one. You know—seriously? In New Zealand, everyone is covered under the national insurance scheme. Why not have a look at what that's costing them on e-scooter injuries and deaths? How can we allow seven deaths in Queensland this year?

Seven deaths, and it's increasing. Do you know that the hospitals and doctors—Dr John Crozier's on my board. You've seen his presentation. You can see what's going to happen. We've got a chance now with an excellent paper—which everyone agrees with—to look at those recommendations. Please don't let any of the other stuff come on the market for a while. Just have a trial with e-scooters based on these recommendations. If you have to change some of them, do so—but that's a great basis upon which you can come out with an excellent report. It's not me—the NRMA are there and the police are there. Anyway, I'm sorry that I'm getting emotional. It's important.

**The CHAIR:** Thank you, Mr Scruby. We're actually out of time for your session now. Thank you so much for your submission, your extensive evidence, for the documentation that you provided to the Committee today and for the work that you do. The Committee will be in touch if you took anything on notice or if we have any further questions for you in terms of supplementary questions.

---

**CORRECTED**

---

**The Hon. NATALIE WARD:** He is going to table that 11 September briefing paper.

**(The witness withdrew.)**

**Mr ANDREW IRVINE,** Director, Khancoban Adventures Pty Ltd, before the Committee via videoconference, sworn and examined

**The CHAIR:** Mr Irvine, do you have an opening statement?

**ANDREW IRVINE:** Dear inquiry members, thank you for the opportunity to provide a submission to your inquiry into the use of e-scooters, e-bikes and related mobility options for consideration. We are a small tourism and accommodation business located near Kosciuszko National Park in New South Wales. We started providing complimentary e-bikes based on the popularity of this service in similar tourism markets, such as Canada and New Zealand, where e-bike and e-scooter tours and trails are the fastest growing segments of the adventure tourism markets. This market is currently \$461 billion annually globally and expected to grow to \$2.6 trillion by 2033 based on current growth. Australia's share of this market was around \$32 billion in 2023, growing at 16 per cent annually. Soft adventure tourism is 75 per cent of that market. The hard adventure tourism market in Australia is currently constrained by insurance costs, but there is great potential in a new medium adventure market that would include e-bikes, e-scooters, e-surfboards and e-all-terrain scooters, which is a market sector that's growing rapidly.

The uptake of e-bikes is the biggest sector of our current tourism market here, and e-scooters would add a safe option to expand that market to those not familiar with riding bikes, especially on gravel trails. I hope that this inquiry will look positively at the benefits of e-scooters and all the other forms of e-transport equipment that are being developed globally. Australia's view on e-scooters—including New South Wales e-scooter trials—appears to have been largely focused on evaluating the business model of mass urban rental fleets, as opposed to trialling the use of e-scooters in general as a means of transport and recreation. Away from the current trials in urban centres, e-scooters have a wide range of applications in other countries and will open up many new forms of leisure travel and transport over time.

Being able to use e-scooters to run tours on rail trails, gravel roads and other areas considered public spaces, similar to bicycles and e-bikes, will offer a safer, quieter and less aggressive form of transport, allowing for a new sector of nature-based tourism and offer local transport options to visitors without vehicles. Riding an e-scooter is a very safe means of transport, particularly away from traffic. It involves far less balance than bicycles and is ridden much closer to the ground, allowing the rider to just step off rather than fall. Because e-scooters do not require the rider to push along with one leg like a traditional scooter, they are far easier to ride, and the upright position of the rider gives a much better field of vision than bicycles. E-scooters are widely used in urban areas in countries worldwide, and most riders are using their own e-scooter, not a short-term rental.

**The CHAIR:** You mentioned insurance in your opening statement. What's the current situation? You were saying there are very few insurance products available to those hiring e-bikes or arranging tours. How is the current insurance market when it comes to e-bikes hindered—which are your words—compared to other jurisdictions that you're following?

**ANDREW IRVINE:** I can't quote you facts here, so I'll be careful, but from my conversations with insurers—we have e-bike rental business; we're trying to get one started—we are finding it very difficult to get e-bike insurance because insurers don't have a product ready to go, as yet. I think they're still sitting on the fence waiting to see what the legislative requirements are going to be. They're trying to fit e-bikes into other insurance products, and they're prohibitively expensive at the moment.

**The CHAIR:** Is that a nationwide issue, I'm assuming, or in other States, where they have acted with a little bit more certainty on this, have they got better insurance products available?

**ANDREW IRVINE:** I'm sorry, I can't speak to that. I'm not sure.

**The CHAIR:** You make the point about e-scooters on trail roads, for example. You talked about rail trails and tourist markets. I wondered if you could expand on that. It doesn't seem reasonable that you could have, as you state in your submission, high-speed four-wheel drive cars as well as motorbikes in these areas but not e-scooters.

**ANDREW IRVINE:** If we took the example of the national park where I live, it's fine for people to access multiple areas of the park using the tracks and roads that are there using four-wheel drive vehicles and motorbikes—anything like that—because I guess they're considered a public space and they work under standard vehicle registration. For that reason, I checked with the local police and they said, "No, you could not use an e-scooter on those roads."

---

**CORRECTED**

---

**The CHAIR:** That's the situation that's potentially being dealt with at the moment. You're saying that you wanted to look at starting an e-bike hiring business. You're near Kosciuszko. What barriers are you finding trying to get that established in terms of State regulation?

**ANDREW IRVINE:** There seems to be some uncertainty around what e-bikes are. Once you get into the detail of e-bikes, is an e-bike allowed to have a throttle switch? What's the maximum wattage the battery is allowed to have? What's the speed limiting? All these sorts of details seem to be a bit out of date to me. It's actually much safer to have a throttle switch than not on an e-bike because it helps with starting. The biggest barrier to us would be—and it's what's shutting down all tourism activities in this part of the world—the insurance. Public events are shutting down and tourism-based activities are shutting down. We can't get insurance. When we can get insurance, it's very, very expensive. Then it's so restrictive that it's not worthwhile doing.

Very quickly, for me to rent somebody an e-bike—they come to my shop and they want to rent an e-bike—takes me between 15 minutes to half an hour for me to go through. I actually have to train them to ride a bicycle. I have to go through all the functioning parts of the bicycle and check them over with them before I can let them out the door. This is advice I have from my lawyer, even though they're signing a waiver. For a \$65 rental, they don't want to do that and I don't want to do that.

**The CHAIR:** Before I throw to the Opposition for questions, I have one last question about insurance. You do pedal bikes and mountain bikes as well, I'm assuming?

**ANDREW IRVINE:** No, we don't.

**The CHAIR:** We've got insurance witnesses next—the Insurance Council of Australia—so I'll continue on the insurance bent with them.

**The Hon. NATALIE WARD:** I wanted to follow that up, because I think it's pertinent. Thank you for your submission and for taking the time to join us today. Also, thank you for the opportunities that you provide to people through your cabins and base camp business. It's good to see. Clearly, you're trying to do the right thing here and obtain insurance, and you're trying to take those steps to protect your guests and users of e-bikes, as well as, I assume, others using the area. Has there been any indication from the insurers about whether they're taking any steps? I know we will have the insurance council here, but what have they said to you about what you can try and do? Because otherwise you're left in this situation where it's prohibitively expensive but you don't seem to have other options or opportunities to take those steps.

**ANDREW IRVINE:** We won't be running e-bikes this summer for that reason. We just can't get a reasonable insurance coverage. The numbers of insurers—and I'm no expert here so I'm only going on the dozen phone calls that I made to insurers—most of them said, "No, we don't touch e-bikes," and the few that did, once again, it was very restrictive and the level of training and all the rest that I had to do made it not worthwhile, unfortunately.

**The Hon. NATALIE WARD:** For your guests staying at your accommodation wanting to avail themselves, do you have that conversation with them and say—I'm not try to put you in a difficult position; I'm just trying to understand the dynamics of what you're having to deal with—that they then have to take that risk as well? Or are they saying to you, "Can we purchase this? Is there a way we can take steps?" Am I to understand your evidence that you've just literally had to take them away because it's not feasible?

**ANDREW IRVINE:** We have. Last summer we were a little in the dark with it and we were providing them as a complimentary service to our guests, which went over brilliantly, but as we got further into it with the lawyer trying to refine our waivers and the things people had to sign, we just decided it's a bit affronting to somebody to have to stand them there and go through all this paperwork with them to say, "Here's a bike that you can ride up to the cafe." It just doesn't make sense. Then we couldn't get any insurance at all for people under 18. It just wasn't possible.

**The Hon. NATALIE WARD:** Are the other types of—I think you've mentioned briefly the other types—of bikes and vehicles and innovations in the market that are presently being used in the area?

**ANDREW IRVINE:** No, nothing. We're the only operator in this part. There's a lot of operators over at Thredbo and those ski resorts, and I imagine that they had some kind of self-insurance. I'm not sure how they do it over there. I haven't been able to find out how they're doing it. I'm just speaking from a very small operator that that's what we're finding.

**The Hon. NATALIE WARD:** What would you like to see come out of this in terms of recommendations, and this Committee is considering constructive suggestions that you've had. What would help you? What's the number one thing that you need if this were to go ahead, given that the Minister's made an announcement? It seems like this is going to happen. What would you like to see?

---

**CORRECTED**

---

**ANDREW IRVINE:** I'd like to see some clarity around the detail of what's considered an e-bike or an e-scooter and what isn't, because there are so many of these vehicles or whatever—pieces of equipment—coming out now. Some have four wheels, some have three wheels, some have two wheels. There are all sorts of different types that are coming out. What are we going to classify as a bike, a scooter and an ATV? How will we register those? How will we insure those? Which ones will have maximum speed limiting and which ones will have the ability to have a throttle? I know I'm being boring but it's all these sorts of details that make it—as you know, you get a legal situation around insurance and that's the stuff that's going to pull you apart so we have to be very clear on that. What I'd really like to see is that anybody can ride a bicycle on any road anywhere. They don't have to be registered. A standard pushbike, a six-year-old can ride it down the street, but anything that has a battery, you can't.

**The Hon. NATALIE WARD:** Yes. You're a small business. You've already paid a lawyer to get this advice and you obviously have other concerns and issues, and this is just adding to them. Is there a way that the Government could make this easier for you with that clarity and application? Or is it something that you're going to have to sit tight and wait for?

**ANDREW IRVINE:** I will have to sit tight and wait, I think. The magic wand would be that waivers worked; that if somebody signed a waiver, it stuck, but I know that's not going to happen. I think just clearing this up, even with ATVs. That's a grey area as well, where you can take an ATV vehicle from your farm to wherever. It's a very grey area. One thing is to own your own. That's one part of it but the other part of it is the minute you're hiring it or there's a transaction involved, where does liability lie and that sort of stuff. Just to clear that up would be great.

**The Hon. WES FANG:** Obviously, we have been focusing on the transport aspect of e-mobility instead of the leisure and enjoyment aspect that you are probably more advocating for. Do you see anything in the Minister's announcement that's going to provide clarity for you in relation to the issues and circumstances that you've encountered in relation to e-mobility or do you think that the Minister's announcement is devoid of any information that is going to assist your business in operating?

**ANDREW IRVINE:** I apologise, but I can't really comment on the Minister's announcement. I saw some sort of media on it. I didn't see any detail on what the Minister announced, I'm sorry.

**The Hon. WES FANG:** Are you a member of any group or advocacy organisation? We have had the Pedestrian Council on previously. Do you know if they sought feedback from you as a member? Did they get asked for feedback from the Minister before her announcement?

**ANDREW IRVINE:** My apologies again, but I'm not part of the Pedestrian Council; I'm part of local cycling groups.

**The Hon. WES FANG:** That's what I meant. Did they get asked, the local cycling group, for feedback on e-bikes or e-mobility issues before the Minister made her announcement? Do you know?

**ANDREW IRVINE:** Not that I'm aware of, no. But I'm not sure.

**The Hon. WES FANG:** You're not alone here. It seems like nobody was asked for consultation, but that's okay.

**The Hon. ANTHONY D'ADAM:** I wanted to get some comments about the proposals around a licensing arrangement for riders and what impact that might have on your business.

**ANDREW IRVINE:** I feel like I've missed a conversation here that the Minister has maybe put out. I apologise. Some form of licensing would be great. If licensing meant that there was, therefore, some inherent insurance, like operating a vehicle or something, that would be terrific. We'd be happy to work with that.

**The Hon. ANTHONY D'ADAM:** Do you have comments about the impact of age restrictions on using these kinds of vehicles?

**ANDREW IRVINE:** I think it's a difficult question because eight-year-olds are far better on scooters than 60-year-olds, but we're more likely to allow 60-year-olds than eight-year-olds. A scooter is a much easier thing to operate than a bicycle. I'm sure there has to be an age restriction of some kind, maybe in the terms of rent or a commercial arrangement. For personal use, I don't really see why there should be a restriction. I tend to fall back on parents making that call, but that's probably naive.

**The CHAIR:** Thank you very much, Mr Irvine. Your evidence was really valuable to us. That's the end of our questions for you. The secretariat will be in touch if any of us have any further supplementary questions.

**(The witness withdrew.)**

---

**CORRECTED**

---

**Ms ALIX PEARCE**, General Manager, Climate, Social Policy and International Engagement, Insurance Council of Australia, affirmed and examined

**Ms ALEXANDRA HORDERN**, General Manager, Regulatory and Consumer Policy, Insurance Council of Australia, affirmed and examined

**The CHAIR:** We'll start with our next witnesses. Thanks for appearing. Is there an opening statement from one or both of you?

**ALIX PEARCE:** We are both joining you here today because when it comes to insurance, this policy issue around e-scooters and e-bikes interacts with the ICA in a number of different ways. That's why you've got two general managers here with two different portfolio hats so that we can give you the breadth and depth of our experience, collectively. Alexandra and her team manage compulsory third party insurance and registration matters, whereas I'm responsible for the various risk factors that come with personal mobility devices—that is, e-bikes and e-scooters et cetera. We're very keen to discuss both areas today, as we understand the terms of reference are quite broad.

By way of background, the Insurance Council is the national body of the general insurance industry in Australia, and it represents about 90 per cent of private sector general insurers. Our sector provides protection for 41 million homes, buildings and vehicles against unexpected events. We do support the electrification of Australia's transport system, and this plays an important role in decarbonising our economy in line with the State and Federal climate and energy policies that we have in place. Whilst this transition presents some considerable opportunities, we understand that it also needs to be managed carefully to ensure that potential risks are also considered appropriately.

We are seeing an encouraging increase in consumer demand for alternative and less emissions-intensive transport, but this has, unfortunately, led to a growth in imports of cheap, noncompliant e-scooters and e-bikes. That can present a higher risk of battery fire and a higher risk of causing injury, fatality and property loss. As a result of this growth, there does need to be greater consideration around the legislative settings that are in place to regulate e-bikes and e-scooters. We're really pleased to be looking into this policy issue with you today. It's also worth noting that my face may be familiar. We did appear before the Joint Standing Committee on Road Safety inquiry into electric and hybrid vehicle batteries in this Parliament in March this year. We outlined to that committee some of those key risk factors, which we think are really key to pull through here as well when it comes to thinking about personal mobility devices—so e-bikes and e-scooters.

There are three distinct types of electrified transport that use lithium ion batteries and require that connection to power to recharge the battery pack: personal mobility devices, such as e-bikes and e-scooters; light delivery EVs—that's golf buggies; and road-registered electric vehicles. It's really critical that we treat these three types distinctly as they come with different risk profiles and different solutions to mitigate that risk. As you would have heard in the last committee hearing, road-registered EVs do not present a greater risk of fire occurrence than conventional vehicles. But when a fire does occur, it needs to be managed differently. Personal mobility devices and light delivery EVs present a higher risk of battery fire and of causing injury, fatality and property loss. To minimise that risk, we know that lithium ion products need to be properly stored, consumers need to be aware of these risks associated with damaged batteries and with damaged chargers, and the importation of these products needs to be regulated.

We were pleased to see the New South Wales Government's announcement in August to introduce new standards on lithium ion and battery-powered e-bikes and e-scooters. We also encourage other jurisdictions to follow suit so that we can have a truly national approach when it comes to testing certification and labelling. Just to round out, I touch on some of the observations in regard to the regulatory framework around personal mobility devices that we provided in our submission, which speaks to Alexandra's portfolio as well. As you're aware, e-bikes and e-scooters are not required to be registered, so there is currently no requirement for compulsory third party insurance coverage. As accidents involving e-scooters do not fall within the ambit of the New South Wales CTP insurance scheme, a third party injured in an accident involving an e-scooter can be left with significant out-of-pocket expenses and no legal recourse.

We acknowledge the need for appropriate insurance cover for these injuries, but we don't believe this should be provided through the CTP scheme, given the lack of registration and premium collection requirements. We expect that insurance products for e-scooters and similar devices will become available in time. Were e-scooters to be incorporated now into the New South Wales CTP scheme, a mechanism would need to be established for premiums to be collected. It's a complex issue, and we're really looking forward, as an industry, to engaging with the New South Wales Government as you consider it further.

---

**CORRECTED**

---

We also note a potential legislative change in South Australia, which I believe has been discussed previously, that would legalise private e-scooters on public roads and footpaths. Under the bill introduced to Parliament, there was no requirement to register a personal mobility device or for riders to hold a licence, and there was no CTP cover for death or injury due to the actions of a rider on a device. An Opposition amendment to the bill could allow people injured in accidents involving these devices to make a third-party claim against the Nominal Defendant. We'll continue to monitor the situation in South Australia closely to better understand the implications for our members. Thanks so much for the opportunity to appear today. We look forward to taking your questions.

**The Hon. NATALIE WARD:** Thank you both for coming along today, for your submission and for taking the time to give us this information. I have a couple of questions on insurance. We've just heard from a witness running a small business. I don't know if you had the opportunity to hear, but he is running an outdoor ecotourism business in Kosciuszko National Park. He talked about having e-bikes available but being unable to get any insurance for them. He has basically had to take them off. They were complimentary to guests. He has had to take them away because the cost is prohibitive. Could you talk us through how that might be remedied and what could be offered, given that it's critical to his business and something he says his guests enjoy? How could insurers make that offering to him at the moment without it being so expensive?

**ALEXANDRA HORDERN:** I might jump in on that one. It is likely that the type of insurance he's struggling to obtain is public liability insurance or civil liability insurance. There are a number of reasons for the significant cost in civil liability insurance at the moment. For a number of years, civil liability lines have been running at 120 per cent loss ratio, being that for every dollar an insurer takes in in premiums, they've been paying out \$1.20 in claims amounts. The nature of those claims is increasing as well, over the years—the size of the claims and the amounts of payouts are increasing—which is adding cost pressures to those particular insurance lines.

**The Hon. NATALIE WARD:** Sure. I'm not being critical of it; I am just trying to understand it for the Committee. And sorry to cut you off. We are just tight for time. But if you want to add anything further, you are most welcome to, on notice, and you can get back to the Committee. In terms of what could be offered, I think you referred to potentially CTP and a scheme through that. Without overcomplicating this, we want people on bikes, we want them outside and we want them riding. But clearly there is a great risk here of injury, death and catastrophic outcomes, with no legal avenue. Can you talk us through that option of potentially licensing CTP and how that might provide an insurance offering?

**ALEXANDRA HORDERN:** Having it through the CTP scheme won't affect the cost of civil liability insurance. The CTP scheme as it currently operates is funded partly from the registration fees paid on cars that are on the road. Given that PMDs are not currently registered, they're not contributing to that scheme. Our view is that providing coverage from that scheme or a similar scheme would need to go along with a collection of some sort of registration fee, which would obviously add a cost to those who are using those devices. We don't think it would be appropriate to put them into the current CTP scheme, but if another scheme was to be developed to appropriately register, collect a fee and manage those claims through that scheme, that's certainly something that we would engage with the Government on. I do stress, though, that that is a different issue from the civil liability and public liability. There may be opportunities for tort reform in that space, which would address some of those risk factors.

**The Hon. NATALIE WARD:** But, as it stands, there's not that offering and it could only be done in circumstances where there was a form of registration and fees from that registration? There's no option other than to have that structure around licensing so the fee could fund it?

**ALEXANDRA HORDERN:** The funding for the scheme would need to come from somewhere, and that is the most logical place for it to come from. That's where we've seen it work effectively with other sorts of CTP schemes.

**The Hon. NATALIE WARD:** I think you mentioned that a product might become available in time. Did you want to speak to that or is that essentially what you're saying?

**ALEXANDRA HORDERN:** That's a point too. As risks develop and as new risks appear in the market, insurers do traditionally respond to those risks by developing products. We don't have knowledge of specific products being developed for e-scooters, but it wouldn't surprise us if at some point in the future a form of coverage was developed, either in the private market or, if government decided to look at a new scheme to manage those risks, that may be an alternative way of doing it.

**The Hon. NATALIE WARD:** Were you consulted prior to the Minister's public announcement about e-scooters?

---

**CORRECTED**

---

**ALEXANDRA HORDERN:** I'd need to double-check with the team on that one so I'll take that on notice

**The Hon. NATALIE WARD:** But nothing springs to mind about being invited to something?

**ALIX PEARCE:** Which announcement? You mean the regulation of the imports of batteries risk? We were engaged in—

**The Hon. NATALIE WARD:** No, about e-scooters being legalised.

**ALEXANDRA HORDERN:** From memory, it's possible that we were with SIRA but, again, I'd need to double-check.

**The Hon. NATALIE WARD:** But Transport didn't contact you? The Minister's office didn't?

**The Hon. ANTHONY D'ADAM:** I think the witness has taken it on notice.

**ALEXANDRA HORDERN:** I will need to double-check and come back to you on that.

**The Hon. NATALIE WARD:** You don't need to run cover. You can ask questions in your own time. I'm entitled to ask questions.

**The CHAIR:** Order!

**The Hon. NATALIE WARD:** It's just that we're trying to look at opportunities to make recommendations that could assist in this space and certainly one of the issues around insurance, as you've raised—I think it's helpful to understand that South Australian potential scheme. Did you want to elaborate on the need for that legislative framework for that coverage?

**ALEXANDRA HORDERN:** I think we covered most of it in the opening statement but, ultimately, the South Australian scheme—our view was that, provided other road users would not be able to claim under compulsory third-party insurance for death or injury due to the actions of a rider, it would ensure that the Nominal Defendant scheme would be protected from unfunded liabilities. So we were interested in and engaging with that process. Obviously we've seen a move by the Opposition to propose amendments to the bill, which potentially expands that cover to third parties injured by riders of personal mobility devices through the Nominal Defendant scheme, so we're continuing to monitor that process.

**The CHAIR:** The Nominal Defendant scheme is covered by insurance, by CTP. Is that correct? When people pay their insurance, a portion of that goes into the Nominal Defendant scheme. A way to ensure, therefore, that all people injured due to cycling or e-scooters or other devices is to just expand that. That's what the South Australian scheme is potentially looking at with this amendment. Is that correct?

**ALEXANDRA HORDERN:** It could be a way to expand it, yes, provided there was appropriate registration and payment into the scheme.

**The CHAIR:** Appropriate registration and payment; so the vehicle itself involved would need to be registered? Is that what you're saying? If somebody is injured, for example, by any cyclist and the cyclist hit and run, so to speak, would they still be covered?

**ALEXANDRA HORDERN:** Potentially. If there's a defendant that's unable to be located or is uninsured, that's when the Nominal Defendant scheme usually kicks in.

**The CHAIR:** Do you see issues with, at this point, the huge increase in e-scooter use, e-bike use and other devices and the financial sustainability of that Nominal Defendant fund?

**ALEXANDRA HORDERN:** If we add a whole lot of potential risks into the fund but we don't fund it, then that obviously will eventually challenge scheme viability—if we just keep adding risks in but don't provide the funding for it. We don't think it would be sensible just to put them all into the scheme without some sort of registration and payment to go into it. Even then, there's a question about whether it's appropriate for them to sit in the same scheme as motor vehicles or in a separate defined scheme. But that's a discussion that would need to be had down the track when we could look at a couple of different scheme designs.

**The CHAIR:** In relation to that, do you know whether there's been any research or other jurisdictions where this has worked or any consideration given to, for example, such a scheme as that in terms of broadening the Nominal Defendant situation so that we can ensure that people riding devices and people hit by those are covered? Is any jurisdiction doing it well or is there good research that you can point the Committee to?

**ALEXANDRA HORDERN:** It's an emerging issue, obviously, as the increase in personal mobility devices accelerates. In terms of jurisdictions in Australia that we could definitely point to—not at the moment.

---

**CORRECTED**

---

We're still monitoring what's happening across Australia. We can certainly take on notice, though, any international examples in this space.

**The CHAIR:** That would be very useful.

**ALIX PEARCE:** I might add quickly as well that I think it's also the point here that we want to walk and chew gum at the same time. Reducing underlying risk here is really important too. That then plays into the challenge of whether this will be a bottomless pool of a scheme. That's why we are calling for things like the regulation and consumer education and awareness. We have also formed a partnership with Fire and Rescue NSW. We need look at this challenge holistically to mitigate new risk.

**The CHAIR:** Be assured that that's what we're speaking to most other witnesses about.

**ALIX PEARCE:** Oh, really? That's great.

**The Hon. MARK BANASIAK:** We heard yesterday from shared e-bike and e-scooter companies that their riders are covered under insurance. I'm not too sure what that insurance is but, regardless, the other evidence we've heard is that roughly 58 per cent of injuries that result in hospitalisation from e-scooters or e-bikes have some level of intoxication involved. As a general rule, regardless of what insurance product it is, would it be fair say that, if there's intoxication involved, the insurance company isn't going to pay out that insurance?

**ALEXANDRA HORDERN:** That will depend on the details of the insurance contract—for example, in some travel insurance policies there is an allowance to have a certain amount of alcohol in your blood. They have limits that they place on those, so it would depend on the policy.

**The Hon. MARK BANASIAK:** What about illegal drugs, then? What about intoxication from illegal drugs?

**ALEXANDRA HORDERN:** Ordinarily, insurers would not cover illegal activities. If someone's driving intoxicated in contravention of the law, ordinarily insurers would not cover that.

**The Hon. WES FANG:** I wanted to ask about the consultation process as well. We've previously heard from a number of witnesses that the Minister made an announcement in relation to the e-mobility process for the Government, but didn't seek to consult with, for example, doctors or the Pedestrian Council. What about insurance? Do your members have the opportunity to provide feedback to you, which is then given to the Government, or has the Minister done this outside of feedback from the insurance companies themselves?

**ALEXANDRA HORDERN:** It's obvious that this is a matter of keen interest to the Committee. I think that, just to ensure that we provide a thorough response, we'll take that on notice and check in across our team and provide a response on notice.

**The Hon. WES FANG:** I know you took on notice the response from the Insurance Council. I was speaking more from your members' perspective. Have they had the opportunity to provide feedback? As Mr Banasiak indicated, we've been told that some of the commercial operators have insurance should there be an injury to a pedestrian or another user, but it would seem that it's opaque as to what's covered. Certainly other evidence from doctors indicated that, if there are any other mitigating factors—such as speed or no helmet or intoxication or drugs—the insurance is null and void, which then puts the liability onto the State. From my perspective, we've got to look at recommendations. If it's the case that insurers haven't been consulted, what would you see as the process for determining a product that's going to ensure that liability doesn't rest with the State into the future?

**ALEXANDRA HORDERN:** In terms of whether our individual members have been consulted, that's probably not something we can comment on. I'd suggest questions could be directed to those members about that. In terms of a process, with any legislative or regulatory change—particularly in the CTP space—we engage very closely with SIRA, the New South Wales agency responsible for those. We anticipate that, in any change of this nature, or proposed change of this nature—and, of course, if bills or legislation were being introduced into Parliament—we would take the opportunity to comment where appropriate.

**The Hon. WES FANG:** Am I out of time, Chair?

**The CHAIR:** Not out of time, but continue, just recognising that, in terms of where you take it now, the witnesses have been asked this question by both Ms Ward and you.

**The Hon. WES FANG:** I'm just trying to work out, if there has been no planning and there's been no consultation either from the Insurance Council or the insurers themselves—do you have any idea as to what an insurance package might cost and how it might be determined that you would actually pay into that? Would it be potentially that the commercial operators would have to pay it, or the users would have to pay it? Do you see any

---

**CORRECTED**

---

structure as to how this might occur, or has the Minister made an announcement devoid of any of this advice at all?

**ALEXANDRA HORDERN:** Again, in terms of whether or not there has been consultation across insurers, as mentioned we'll take that on notice just to clarify that, just to deal with that up-front. In terms of how much something would cost, we would need to see quite significant detail about what the proposal was before we could provide feedback on potential cost or underwriting criteria or any of that sort of stuff. These changes are quite lengthy and involve processes, and we'd obviously look forward to engaging, as appropriate, if and when something like that rolls out.

**The Hon. WES FANG:** So it's fair to say that there's been no policy work done in relation to an e-mobility framework for New South Wales, and costings?

**ALEXANDRA HORDERN:** I can't obviously comment on what may have been done within government. As mentioned previously, we'll take on notice a query about any engagement with our members and the Insurance Council more broadly.

**The CHAIR:** I do have further questions about broader insurance issues. I think we get the sense with this.

**The Hon. NATALIE WARD:** I have one on what that might look like. Just in terms of what work you might do—I accept what you've said, that you would need to look at any package in detail—given the huge market uptake in these products, is it something the Insurance Council or insurers might be starting to do some work on, looking at what a package might look like and some costing? Ordinarily you would anticipate that might be something that's coming up and do some preliminary work. Is that something that you might be working on?

**ALEXANDRA HORDERN:** It's something that would be of interest to our members, particularly those who participate in the current CTP scheme in New South Wales. The level of detail that they may have gone into in thinking about the issues, I'm not sure at this point, but again we can ask if any preliminary work has been done across the membership.

**The Hon. NATALIE WARD:** It would be helpful just to understand what's being done, if we were able to engage.

**The Hon. MARK BANASIAK:** Just in addition to that, what would be the time frame that you would need to adequately put together something like this from start to finish in terms of planning, research et cetera, if you had all the details? How long would it take for you to get a product in the scheme up and running?

**ALEXANDRA HORDERN:** It's a very difficult question to answer. It would depend a lot on how readily available the information was, the funding to support the development of a scheme, the amount of community consultation that's required, the amount of consultation with consumer advocates and other entities and their capacity to respond. It's a little bit of a "how long is a piece of string" answer, I'm afraid.

**The Hon. MARK BANASIAK:** If you had all the information and the consultation had been done, how long do you think, on a rough scale?

**ALEXANDRA HORDERN:** It's not really a question that I can answer. It would depend a lot on the complexity of the scheme and all of that. I'm afraid I can't really give you a satisfactory answer on that.

**The CHAIR:** At this point in time in New South Wales, if someone is an e-bike rider and wishes to try to get some kind of insurance for injury for themselves and others, for example, what are their options? Is there anything available? The question is both for e-bikes and just as a cyclist—as a pushbike cyclist or professional cyclist. What are their options?

**ALEXANDRA HORDERN:** I might need to take that one on notice, Chair, just to confirm the details of what sorts of policies are available for those people.

**The CHAIR:** I am aware that Bicycle NSW, for example, has some sort of a scheme with their membership. They're appearing tomorrow and we will ask them about that. If people willing to fork out several thousands of dollars for a bike, there are several things with it. In my personal situation the e-bikes are increasingly being targeted by thieves. I hear from the police that there's a syndicate and bikes are being taken. E-bikes are being targeted. They're being put into shipping containers and apparently sold overseas. It's starting to be a big issue. Insurance is something that people consider—I've talked with people about it and would consider it—but I don't know whether it's available for a bike that's a few thousand dollars. So for both theft as well as injury, there currently is no—

**ALEXANDRA HORDERN:** In terms of theft, there's property insurance.

---

**CORRECTED**

---

**The CHAIR:** Just to be clear, with contents, if you're just parking it out in the street when you're going to different places, that's what I'm also talking about—on the footpath.

**ALIX PEARCE:** Right, because home and contents insurance obviously covers it if it's at your property and you have a policy—

**The CHAIR:** But a lot of times it's not.

**ALIX PEARCE:** —and then that's obviously separate from injuries.

**ALEXANDRA HORDERN:** It may be able to be listed as a portable item on your home and contents, so there may be a capacity, much like a piece of jewellery that you can list as a portable item. If you happen to have it somewhere else and lose it for whatever reason, it may be able to be covered under those circumstances, but we'll certainly take that on notice.

**The CHAIR:** In terms of injury, really that seems to be the missing element and it seems as though insurance companies are reluctant—I think you've stated this in your submission—because of the increasing risks that haven't been really mitigated and aren't being regulated in terms of registration and other things.

**ALEXANDRA HORDERN:** I think there's a difference between an individual insuring for injury to themselves when riding the device as opposed to a business insuring for injury to guests or customers that are riding a device. That would sit within the public liability regime, and then an individual would sit elsewhere, but we'll definitely come back to you on that one.

**The CHAIR:** That would be very useful. Thank you so much for appearing today. You have agreed to take some things on notice and the secretariat will be in touch about those. I appreciate you giving evidence to this inquiry.

**(The witnesses withdrew.)**

**(Luncheon adjournment)**

---

**CORRECTED**

---

**Mr MICHAEL TIMMS**, Chair, ACRS, NSW Chapter, Australasian College of Road Safety, sworn and examined

**Dr TASHA PRABHAKAR**, Deputy Chair, ACRS NSW Chapter, Australasian College of Road Safety, affirmed and examined

**Professor NARELLE HAWORTH, AM**, Research Professor, Centre for Accident Research and Road Safety, Queensland, before the Committee via videoconference, sworn and examined

**The CHAIR:** Welcome back and welcome to our next witnesses. Who would like to proceed with a short opening statement for the Committee?

**TASHA PRABHAKAR:** I will. The Australasian College of Road Safety is focused on saving lives and preventing serious injuries on our roads. There are various asserted benefits of micromobility devices, including greater mobility choices, reduced traffic congestion, environmental benefits, and, for e-bikes, health and fitness benefits. But there are also a range of risks that e-mobility devices pose to their users, pedestrians and other users of similar devices. Transport and mobility plans need to be integrated to promote a wide range of transport and mobility options. Are paths in new housing estates, for example, being built to accommodate a person pushing a double width pram at two kilometres an hour while passing an e-mobility device being ridden at 20 kilometres an hour? Commitments to reduce road trauma require legislative and regulatory measures which enable and provide for all road users.

Thanks to Queensland fatal reporting, which now identifies personal mobility devices as a separate category, we know that more people have been killed on this category of device so far this year than bicyclists. Our recent e-mobility forum also heard that hospitalisations for e-scooter riders in Queensland also now exceeds bicycle riders. ACRS believes that we should prevent all fatal and serious injuries on our roads. By introducing these new mobility devices into our current imperfect road system, the unfortunate reality is that we will see more crashes involving these devices. We need to research and understand what is happening to reduce crash risk. It is critical that we have nationally consistent definitions and data about these devices. Finally, Christmas is now only eight weeks away. I ask parents to consider if an e-scooter is an appropriate or legal gift for their children.

**The CHAIR:** We will now go to you, Professor Haworth.

**NARELLE HAWORTH:** Thank you. I'll start off with the Centre for Accident Research and Road Safety Queensland, which has actually done quite a bit of research looking at e-scooters, particularly in Queensland. I'd like to make three main points. My first point is that e-bikes and e-scooters aren't the same. They differ in what they're used for, the lengths of trips that people use them for, their safety issues and the degree to which they have health benefits. Therefore, I think it is appropriate that we deal with them separately and that we regulate them in a different way.

Secondly, private and shared e-scooters aren't the same either. Our research has clearly shown that they differ in what they're used for, the extent to which they replace car trips and the safety issues associated. Importantly, there's much more ability to regulate shared e-scooters than there is to regulate private e-scooters. Thirdly, the rules for e-bikes and e-scooters vary across jurisdictions and have changed over time. The consequence of this has been a lack of knowledge or confusion and, certainly, illegal behaviours by riders. That's something we need to consider.

I'd like to make a few recommendations. Firstly, I agree with my colleague from New South Wales that the terms and classifications in regulations need to be standardised and futureproofed to deal with new devices that may come out. Standards Australia have yet to do any work in this area. The import rules need to be tightened to prevent the sales of e-bikes and e-scooters that are illegal for use on public roads or can be easily tampered with to operate at unsafe speeds. To protect riders, micromobility devices need to be separated from motor vehicles. To protect pedestrians, they need to be separated from pedestrians or have low speed limits.

If we build protected bike lanes, that will reduce riding on footpaths, whether that's legal or illegal, and it's been shown quite clearly. Better maintenance of roads and footpaths is also good for improving the safety of micromobility and also improving pedestrian safety. To minimise inappropriate parking of shared e-scooters, physical or virtual parking areas should be created rather than them being left anywhere. If e-mobility grows, there may be a need for dedicated e-scooter lanes or shared e-mobility lanes or, at the very least, wider bike paths or shared paths to cope with the actual volumes. Regulations should require, or at least allow, safer e-scooter designs such as larger wheels and better lighting. Finally, there is a need for better data to know more about how and how much usage there is of these devices, what their problems are and how effective regulation is actually being.

---

**CORRECTED**

---

**The CHAIR:** Thank you both for your submissions as well, which are very extensive and very useful. I just wanted to jump onto—it is probably not the right term—the safer e-scooter designs that you have just mentioned, Professor Haworth. Are there stricter regulations in some other jurisdictions that prevent some of these less safe e-scooters from being used? I'm conscious of how difficult it is to regulate anything, really, when a lot of people are buying things online these days via Amazon and in other ways. But are there other jurisdictions that have done this, in terms of larger wheels for increased stability? It sounds very sensible, but if there are a lot of dangerous e-scooters out there and everybody is buying them, how do we make that happen?

**NARELLE HAWORTH:** It's certainly being investigated in Queensland. Recently TMR has brought out some recommendations in relation to that. I think the challenge with larger wheels is that it actually can mean that the total length of the e-scooter is longer. That's an issue in the situation of whether they can be taken on public transport or not to actually be part of the trip. Nevertheless, the research does seem to show quite clearly that larger wheels, particularly the larger front wheel—it is the front one that's important and not so much the rear one—actually gives greater stability of e-scooters, particularly if they're going over small obstacles on a road or on a footpath, so that's quite clear. I think we can actually, in the case of shared e-scooters, require that an operator have a certain-sized wheel. In terms of private e-scooters, then I think, in reality, we need to be addressing a lot of those problems about the vehicles at the Federal level in terms of what's being allowed to be imported and sold because I think that's where a lot of the challenge actually is.

**The CHAIR:** Any comments from the Australasian College of Road Safety on that issue?

**TASHA PRABHAKAR:** No.

**MICHAEL TIMMS:** No.

**The CHAIR:** Can I turn to the issue of speed limits? There's the situation sometimes with, for example, e-scooters and e-bikes where in many places there's no separated cycling infrastructure. If, for example, legislation allows e-scooters, including private e-scooters, here in New South Wales for people to travel on roads and separated bike paths, what's the speed limit that you would see on both of those? A shared path is a different thing. What's the speed limit for the Australasian College of Road Safety? Maybe you're advocating for the same thing. What speed limit for e-scooters do you recommend firstly?

**MICHAEL TIMMS:** We have a table of recommendations on page 8, and we do call for an absolute maximum of 20 kilometres an hour. However, on a shared path, it would be no more than 10.

**The CHAIR:** The South Australian legislation, as I understand it, has either passed or was recommending that the separated cycleways would be 25 and the paths would be 15. Did you have any input into the South Australian legislation?

**MICHAEL TIMMS:** No, but 25 kilometres an hour, just to put it in context, is about seven metres per second. At 25 kilometres an hour in four seconds, you've travelled the length of a netball court. If you bring that down to 20, that then goes out to 5½ seconds. It is just interesting to put that into perspective that 25 kilometres an hour is actually seven metres per second.

**The CHAIR:** Are you advocating for that here just on e-scooters or—I'm having a look through. You're mentioning e-scooters in the speed-limited devices, but do you also mean e-bikes?

**MICHAEL TIMMS:** E-bikes—I think we're of a mind that the current regime in regards to the pedal-assisted bicycles probably should remain the status quo and any bike that can travel in excess of that or any bike that you don't need to pedal, that's just an illegal device.

**The CHAIR:** Which we have heard a lot about over the past day and a half. Professor, what are your suggestions in relation to the speed within separated cycleways versus roads? Is it the same?

**NARELLE HAWORTH:** I'd agree with the point that I think that 25 is okay for the e-bikes. If we make a speed limit for an e-bike too low, they actually become unstable and are actually less safe. An e-bike or a standard bike at 10 kilometres an hour is actually quite dangerous and it takes up much more of the path to actually manage to stay upright. I think that 20 kilometres an hour is probably okay on roads and on shared paths, but it's probably not very safe on roads with high speed limits, so I think it does depend on the speed limit of the road as well. That is probably not direct to your question, but I think it is important to note.

**The CHAIR:** That is actually my next question. We have had evidence from multiple stakeholders about the speed limit for general vehicles to encourage active transport in certain areas of 40 kilometres and 30 kilometres. In fact, there's the campaign that I'm sure you're aware of, maybe even a part of, for 30 kilometres per hour in certain streets. It seems to me, with the increase, that we're just not going to get the separated cycling infrastructure that's needed for quite some time. If we are putting in place these measures, there will be more

---

**CORRECTED**

---

e-bikes and potentially e-scooters, maybe, riding on those roads with other vehicles. I'd appreciate both of your comments in relation to the general speed limit in streets. I'll go to you first, Professor Haworth, and then throw over to the Australasian College of Road Safety.

**NARELLE HAWORTH:** The research shows that if we put the speeds down to 30 kilometres per hour or below, then the risk of a collision and the outcome of a collision with an unprotected road user—whether they be a pedestrian or on any sort of two-wheeled device—is much better. It's a better outcome for everybody. I think it's really important to consider that if we can bring the speed limits down low enough, we actually then don't have to be spending the money on the infrastructure, because the groups can coexist. We're never going to have the infrastructure we need on every road. I think that we should think of which roads are really for mixed use, and have 30 kph, and which other roads are set aside for other more motorised uses, and for there we need to provide the infrastructure to separate our pedestrians and also our e-bikes, e-scooters and any other two-wheeled devices.

**MICHAEL TIMMS:** It's about minimising the speed differential between the different devices. Certainly an e-scooter at 10 coming into conflict with a motor vehicle at 50 or 60—that's a pretty substantial speed differential. A pedestrian at one or two coming into conflict with some sort of device travelling at 20 is also an issue. We did a forum a few years ago. It was about what they call the Movement and Place Framework that's all about urban street design. One of the things that we found was that 80 per cent of the traffic uses 20 per cent of the road network. Most of the traffic is on your major arterial roads, which means that for the other part of the road network, lower speed limits are actually a good fit. It really shouldn't be disrupting the traffic. It's about having the right speed for the right road.

**The CHAIR:** Thank you very much.

**TASHA PRABHAKAR:** Sorry, I was just going to add to that too. I guess one of the other considerations is that it's easy to think about this as a metro issue. In fact, if it was introduced across into regional areas as well, you're dealing with quite a different road network and speed zones there and potential for people to use e-scooters, in particular, to travel to and from towns and things like that. You're looking at remote populations. You've got a whole lot of issues there to think about as well. When you're thinking about speed limits, it's not only the metro but also regional.

**The Hon. MARK BANASIAK:** I'll just go to the comment from all the witnesses talking about the need for consistent definitions in regulations. Obviously a part of this Committee is about making recommendations about how these things should be regulated. Given that, do you think we are better off crafting our language around capabilities of these devices rather than trying to define the different types of devices like e-scooters or e-bikes? Are we better off defining more broadly the capabilities of e-mobility devices as a way of futureproofing and capturing the plethora of these things that may emerge? I'll go to the professor first.

**NARELLE HAWORTH:** Certainly that's a comment that I've made in my submission, that I think we need to, in a sense, focus on what can a vehicle or device—or whatever you want to call it—do. We need to focus on, really, kinetic energy, because kinetic energy is that sort of fundamental thing that we need to match between different types of road users. Kinetic energy is related to mass times the square of velocity, so types of vehicles which have similar kinetic energy can share the same space safely. The other thing we have to look at is physical dimensions. If we focus on those aspects rather than what we're calling something, then we get a safer mixing of types of vehicles. That is one of the things that we're really looking at, both here and in other parts of the world, as to how can we make those sorts of regulations not static but having something that is then allowed for in a new device that might be invented next year.

**The Hon. MARK BANASIAK:** Picking up on your comments about two devices—or whatever you want to call them—with similar kinetic energy being able to share a space, would it be fair to say that this concept of shared zones is a bit of a fallacy because a pedestrian walking is clearly not going to have the same or similar kinetic energy as someone on a device that can go 10 or 20 kilometres an hour? If we're talking about infrastructure or creating infrastructure to support these devices, should we separate pedestrians from these devices, because they clearly have different kinetic energies?

**NARELLE HAWORTH:** We should do that as much as we can, but we have to realise that there are limits. In those places where we have to have the sharing of pedestrians and motorised vehicles, we need to be bringing the speed of those motorised vehicles down, because every time we halve the speed, we actually quarter the amount of kinetic energy of that vehicle.

**The Hon. MARK BANASIAK:** To both groups, could I pose a question of enforcement. Given that police are struggling at the moment with their workload already, what are some ways that we can deal with the enforcement issue around helmet use, speed and intoxication while using these vehicles? How do we do that

---

**CORRECTED**

---

enforcement effectively with an already stretched police resource? Are there technologies or ways that you foresee we could do this within the constraints that we have with police resources?

**MICHAEL TIMMS:** I'll talk about what the professor said earlier, for example, the scooters. They're not the same. They're private scooters. There's less capacity to geofence with the private scooters and prevent them from going in certain areas and to automatically implement speed control. That's a problem, and I'm not sure how we overcome that. I will say in regard to alcohol, the draft laws that were released on Monday talk about .05. For novice drivers, when they're behind the wheel, that is zero. Why we would permit .05, I'm not quite sure.

**The Hon. MARK BANASIAK:** I guess we can have all the rules in the world but, if they're not being enforced, there's really not much point in having them.

**MICHAEL TIMMS:** I declare an interest. I was 30 years in the highway patrol, so I certainly like to think I have some knowledge about it. I imagine my colleagues would find there's quite a lot of difficulty having all this additional burden put upon them. Speed measuring can be difficult on a road where you've got a vehicle coming towards you; that's how radars work. That's how the laser instruments work. You need it coming in front. If a bike is going that way—across—I can't measure its speed. Obviously with helmets we do need to encourage and do some more work on that. Education is going to be critical in this space.

**The Hon. MARK BANASIAK:** Also, how do you enforce something when there may or may not be an ID component on the user, if we're not going to a licensing scheme?

**MICHAEL TIMMS:** I suppose, in some ways, it's probably no different than street offences as they are now. Not every offence—you don't necessarily have the power to demand identification from a person for some street offences.

**The Hon. MARK BANASIAK:** In terms of the concepts around protecting these devices from tampering, do you have any idea what consequences there should be for those that do tamper with the device and whether there should be a higher level of punishment or consequence for those that do it for a profit—the people who set up little side hustles in deprogramming these things that go faster than they should?

**MICHAEL TIMMS:** Whether it should be a circumstance of aggravation, that's certainly something worth considering. I know the Centre for Road Safety looked very closely at the tampering of some popular devices, popular e-scooters. I think they said two minutes to tamper with a couple of them and the other took 10 minutes. It's certainly a critical issue. I talked in our submission about a person in the ACT that was detected travelling at 104 kilometres an hour and was actually engaged in a police pursuit. That type of behaviour does little to help public confidence in this issue.

**The Hon. NATALIE WARD:** Thank you for your submissions and for putting the time that you have into assisting us in this inquiry, and also to you, Professor, online. My questions are somewhat similar in terms of enforcement. Thank you for the very helpful table comparison of e-scooter regulations around the country, which is also very helpful. Are you able to assist the Committee with enforcement and how that works around other jurisdictions? Is it police? Is it council officers? Is it a combination? What are your thoughts on that?

**NARELLE HAWORTH:** First of all, I point out that private e-scooters are quite a game changer in terms of enforcement because they're actually the only type of vehicle where the technology can enforce the rules, thus taking away the need for the police to enforce the rules. For example, with private e-scooters, if the councils put the right requirements into the tender process, they can be required to not be able to go above a certain speed limit and to have different speed limits in different areas. I think that's really important. We don't have that option with cars, for example. The private e-scooters, with the exception of helmet wearing, can be pretty much electronically enforced—the regulations.

**The Hon. NATALIE WARD:** This is not my area of expertise, so sorry to split hairs. To be clear, when you say "private", do you mean the shared hire e-scooters?

**NARELLE HAWORTH:** My apologies, I used the wrong word. I meant the shared ones.

**The Hon. NATALIE WARD:** As opposed to the ones I can buy my kids on Amazon for Christmas, which don't have those.

**NARELLE HAWORTH:** Sorry.

**The Hon. NATALIE WARD:** No, it's a very good point. There is the technology on those shared hire scooters and bikes to be able to limit where they go—or scooters, at least—and potentially continue charging people or charge them a fee if they don't dock their helmet back with it. In terms of the private e-scooters, the Minister has come out and announced that she's proposing to legalise them and let them be out there, but we're hoping to provide some information that might assist to provide clarification on those. With those private

---

**CORRECTED**

---

e-scooters, how would you see enforcement of those working? Is it police, is it council, is it technology being mandated on them, or is it licensing and a fine to mum and dad if there's a licence plate on the back of a bike or scooter so that a fine can be sent in?

**NARELLE HAWORTH:** I think enforcement is difficult, and it's probably the last resort. We need, first of all, to stop private e-scooters coming into the country that don't comply to the regulations. With the private e-scooters, we need to minimise the enforcement problem by checking what comes into the country. Our experience in Queensland is that enforcement of private e-scooters is largely done by the police. The most common offence detected by the police is the non-use of helmets. But we've also got the speeding rules, depending on how many kilometres per hour over the limit they are. There are quite a number of infringements being issued but still speeding is very common.

**The Hon. NATALIE WARD:** I think we heard earlier today—and correct me if I'm wrong—that there were only two fines issued in one of the e-scooter trials. Are you aware of extensive enforcement in other jurisdictions? Are we all guessing? Or are people so well behaved that they don't need fines for enforcement?

**NARELLE HAWORTH:** I do have some data supplied by the TMR that showed that there were just over 4,000 offences related to e-scooters recorded in Queensland in 2023. That's one number that I do have off the top of my head.

**The Hon. NATALIE WARD:** Mr Timms, thank you for your service in highway patrol previously. I think that brings huge credibility to what you're doing. We've heard that police just don't have the time or resources, do they, to be doing this if they can't even be doing random breath testing?

**MICHAEL TIMMS:** Yes, the discussion around the lack of random breath testing is concerning, especially at a time of a rising road toll. I think the professor said that enforcement should be a last resort. I think if you're designing a system where the whole thing relies on enforcement, you probably need to go back to the drawing board on it: looking at engineering and looking at—and we didn't talk about these things in our submission because it would have been too long—consumer law and stopping goods at the border from coming in that are tampered with.

In a lot of ways, it's no different to vehicle modifications. There have always been people tampering with vehicles and trying to increase performance out of vehicles, so this is no different. The unfortunate thing, though, is that it could very well be being done by people at a younger age, so it's certainly an issue. The Office of State Revenue does have data on penalty notices issued on a range of offences, including e-scooter and e-bike offences, so I would probably steer you in their direction to get official data from the official source. They're the source of truth.

**The Hon. NATALIE WARD:** We want people outside riding bikes, getting fresh air and getting off their screens and all those good things but, as you say, is it the last resort or is it about education. That's one of the things we've heard a bit about. Has that worked successfully in other jurisdictions? Is there the opportunity to perhaps educate younger people, before they are drivers of vehicles, on how to drive well in an incentivised system, a bit like a young boat licence—these are the rules and this is what you need to do—but without over-complicating it and making it easier at the outset to get it right and help them be successful in doing that?

**MICHAEL TIMMS:** At our e-mobility forum that we had a couple of months ago, we had a number of speakers and one of them was Phil Devon. He was here yesterday—Mr Devon from Northern Beaches Council—and he spoke about the experience in the northern beaches with the e-bikes. Because they were 16-year-olds coming in, they actually made them do the driver knowledge test online as part of their Ls, so that provided them with an opportunity to get some education. Sixteen is the age that's being talked about. That's when they're being introduced to being road users, so if you can have something within that driver knowledge test maybe that incorporates the mobility devices—anything that we can do also to remove the "I didn't know" excuse. The Minister, in her media release, talked about only 22 per cent of members of the public knowing what the rules actually are. That really needs to be improved upon.

**The Hon. NATALIE WARD:** Were you consulted by the Minister or Transport for NSW before that announcement or asked or invited to provide some input?

**MICHAEL TIMMS:** Like Mr Scruby today, I attended the road safety advisory group meeting on September 11, which was interesting. I actually provided some feedback to them because the question came up at the meeting about how many private motor car trips are replaced by e-mobility trips. Thanks to Professor Haworth, who also presented at our forum, I was able to provide the Road Safety Advisory Council with some data. Quantifying the number of car trips being replaced wasn't something that they thought of.

---

**CORRECTED**

---

**The Hon. ANTHONY D'ADAM:** I wanted to ask a threshold question about whether you're supportive of the initiative to legislate and regulate e-scooters. Do you think this is the right direction to go?

**MICHAEL TIMMS:** The Australasian College of Road Safety, for some time, has had—I'll point to our policy position on climate change and the environment, which came out nationally a couple of years ago. In that policy position, we recognise that a modal shift is something that is needed. It is something to reduce the number of private car trips, particularly in regards to encouraging people to use public transport. E-mobility is an important part of that mix. People have talked about first and last mile et cetera. I won't go over that. I'll just stress what I said earlier: It's about the mix of the transport and making sure that the types of road users aren't in conflict with one another.

**The Hon. ANTHONY D'ADAM:** Professor Haworth?

**NARELLE HAWORTH:** I think that we're too late to ban e-scooters. Even in New South Wales, as you would have heard, there are huge numbers of private e-scooters. They're there whether they're legal or illegal. I think what we need to do now is actually identify the areas in which they should be used, the speeds they should be used and look at the infrastructure improvements that we might need. Also, perhaps one of the things we need to do is educate people about rules but also educate them about the potential consequences of falling off an e-scooter and the fact that you often will go forward and hit your head if you hit an obstacle and, therefore, the really important requirement for a helmet.

**The Hon. ANTHONY D'ADAM:** Professor Haworth, I think your submission deals with there being a misalignment in terms of the risks to pedestrians and their perceptions of risk. Can you perhaps talk us through that idea?

**NARELLE HAWORTH:** When we're talking about risk, we often talk about the difference between objective risk—that is, the calculated risk, like how many times is a crash going to occur for however many people in that activity—versus the perceived risk, or how risky people think something is. Generally speaking, if there's a mismatch between those two, it's not ideal. What we certainly seem to have with pedestrians in terms of e-scooters is—the observations that we've done and the observations that have been done by other people around the world suggest that almost all e-scooter riders, and bicycle riders, for that matter, travel more slowly where there are pedestrians. It's measured. It's not absolutely everybody but almost everybody.

Also, we've seen that even when e-scooters are within one or five metres of a pedestrian, we didn't actually observe many conflicts—only a rate of about 1 per cent. The actual objective risk, as much as we can classify it, is probably relatively low. Nevertheless, we can't have a situation where people are scared to walk, particularly for older people. We know that for older people, it doesn't take a lot other than falling down to have a broken hip, and a broken hip usually, unfortunately, predicts mortality within the next year. We have got this difference between objectively how unsafe e-scooters are on footpaths and people's perception of it. We really need to be working on both of those.

**The Hon. ANTHONY D'ADAM:** Is it fair to say, in terms of pedestrian risk, that the greatest risk is actually cars?

**NARELLE HAWORTH:** Absolutely. Yes, definitely. Even when you go back to the idea of kinetic energy, the kinetic energy of a car is enormous compared to that of an e-scooter, but the issue is that pedestrians don't expect cars on the footpath.

**The Hon. ANTHONY D'ADAM:** Mr Timms, can I ask you about the Safe System approach? What do you think is the right mix, in terms of regulatory interventions here, to taking a Safe System approach to the regulatory steps that might be recommended by this Committee?

**MICHAEL TIMMS:** The Safe System approach has traditionally looked at different pillars of road safety. We've looked at speed and regulating speed, and I've spoken today about having the right speed for the right road. It also looks at the road user, which could be a cyclist or it could be a pedestrian, making sure that person is as safe as they can be. Then there are safe vehicles. We've spent quite a lot of effort in road safety over the last couple of decades, encouraging people to purchase five-star ANCAP-rated vehicles. I suppose it's somewhat of a paradox now that we're talking about someone not using a five-star-rated vehicle but instead using a scooter, which can travel at high speed. It's certainly something that I've thought about, how we manage that. It's a matter of getting all those things to line up, because once you alter one area, it can affect others. I'm not sure if that answered your question or not, Mr D'Adam.

**The Hon. ANTHONY D'ADAM:** Can I move on to another issue. You've talked about limiting speeds. I think in your submission you recommend that there be a 16-year age limit. We don't apply that limit to pushbikes. In fact, pushbikes can travel at more than 20 kilometres an hour. Arguably, this argument around restricting—

---

**CORRECTED**

---

why do you think it's necessary to apply that kind of restriction to the category of who can use these types of devices?

**MICHAEL TIMMS:** I think that seems to be the practice, globally. I'm just looking at—

**TASHA PRABHAKAR:** Yes, that's correct. Professor Haworth will be able to confirm, but, yes, there's certainly research that shows that from that age onwards—that's why we let them learn how to drive a vehicle and so on. It's all part of that picture of that developmental age as well that's important. I think we just have to think about the risks of younger kids on the roads, if not where they are entitled to be, on footpaths, to ride bikes up to the age of 16, yes.

**The Hon. WES FANG:** Very quickly, if there's a lack of licensing in relation to these devices, are you aware of any research that may indicate the instances of recidivism? Say somebody is riding intoxicated and they fall off and injure themselves, and they might be charged with drink driving, in effect, because they've been operating one of those vehicles on the road whilst under the influence of alcohol. Is it likely that they're just likely to get back on again because there's no licensing system where we can, effectively, ban them like we can in a car? Has any work been done in relation to that that you're aware of?

**NARELLE HAWORTH:** Not that that I'm aware of. There has certainly been some work looking at the extent of alcohol use and the degree to which perhaps some of those people might have already lost their licence for driving a car and then be using, although there are a number of jurisdictions who are considering whether offences while on the e-scooter then count against the car licence.

**The Hon. WES FANG:** I guess that indicates that a licensing regime would be something that we should be discussing at the very least, because if we're not capturing those offences on e-scooters, e-bikes and e-mobility devices, then it's a lot harder to capture when somebody has drink driving offences and drink riding offences so that we can actually target that behaviour with that person.

**NARELLE HAWORTH:** The approach that has been taken in the UK is a little bit different. They are actually requiring that you need a car licence in order to operate an e-scooter. Therefore, people who have lost their car licence wouldn't be able to use an e-scooter. I haven't seen any evaluations of the effectiveness of that approach, but I'm just pointing out that that's the approach that has been taken in the e-scooter trials in the UK.

**The Hon. WES FANG:** Would offences on an e-scooter—for example, speeding, operating the vehicle whilst under intoxication or drug offences—carry over to the licence itself? Are you aware?

**NARELLE HAWORTH:** I'm not aware of that. I've heard things both ways, and I would have to check up on that to see what the real situation is.

**The CHAIR:** That's the end of our time for your session. Thanks for your excellent evidence and submissions. It was all very interesting for us. If you've taken anything on notice, the Committee will get back to you, as they will if we have any supplementary questions for you.

**(The witnesses withdrew.)**

---

**CORRECTED**

---

**Ms GENEVIEVE HENDERSON**, President, NSW Branch Committee, Australian Lawyers Alliance, affirmed and examined

**Mr TIM CONCANNON**, Chair, Injury Compensation Committee, the Law Society of New South Wales, sworn and examined

**Mr LEIGH DAVIDSON**, Deputy Chair, Injury Compensation Committee, the Law Society of New South Wales, sworn and examined

**The CHAIR:** Welcome. There's provision for short opening statements. Ms Henderson, do you have something?

**GENEVIEVE HENDERSON:** I do, thank you, Chair. I would also like to thank the members of the Portfolio Committee for inviting the Australian Lawyers Alliance, the ALA, to appear at today's public hearing. I am Genevieve Henderson, the president of the ALA's NSW Branch Committee. I acknowledge the traditional owners of the lands on which the public hearing is taking place today, the Gadigal people of the Eora nation. I pay my respects to Elders past and present and to any Aboriginal or Torres Strait Islander people taking part in the public hearing. The ALA is a national association whose members are dedicated to protecting and promoting access to justice, human rights and equality before the law for all individuals, regardless of their position, wealth, gender, age, race or religious belief. The ALA is represented in every State and Territory across Australia, and we estimate that our 1,500 members represent 200,000 people nationally every year.

ALA members acknowledge that e-mobility devices, especially e-scooters and e-bikes, are popular among the residents of and visitors to New South Wales. Further, e-mobility devices, like mobility scooters, are essential for many people across New South Wales. The popularity and necessity of these devices underscore the importance of ensuring that these devices are being used in safe ways and that those utilising e-mobility devices will be able to access the services, support and compensation if they are injured or if they injure someone else while riding an e-mobility device.

Regulations, registration requirements and insurance requirements in New South Wales have not kept up with the frequency of e-mobility device use. Case law is also not settled as to whether relevant motor vehicle accident legislation applies to e-mobility devices. No-one, whether an uninsured e-mobility device rider or an innocent accident victim, should be in a position of losing their home or their life savings after being involved in an accident with an e-mobility device. We've outlined in our submissions various reforms and updates, existing legislation, regulations, policy and contracts that are essential to ensure the safety of everyone on roads and footpaths in New South Wales. I note the responsibility here for all three levels of Government. The ALA would welcome the opportunity to work with these urgent reforms with the Government as well as with departments like Transport for NSW and with agencies like the State Insurance Regulatory Authority.

E-scooters can and do cause significant injury. There have been increases in e-scooter accidents in Australia over the last 12 months. E-mobility devices are heavy and can travel at speed, making risks of serious injury. I know that's why you're here talking about this important reform today. Many who use e-mobility devices are probably unaware that they put their own assets, including their home, on the line if they cause injury to someone else while using an e-mobility device. E-mobility device users need insurance cover to avoid being sued personally. Similarly, those who are run down by e-mobility devices could suffer serious injury and be left to meet their own lost wages and medical bills. Thank you again for the opportunity for the ALA to appear before this public hearing and I'm happy to answer questions from the Committee.

**TIM CONCANNON:** Thank you for inviting the Law Society to give evidence at today's hearing. I am representing the Law Society in my capacity as chair of the Injury Compensation Committee. I am joined by Leigh Davidson, who is representing the Law Society as deputy chair of its Injury Compensation Committee. Complex policy issues arise in attempting to balance the need for a regulatory framework that ensures safe outcomes for riders and the community without impinging on the individual and community benefits that may accrue from the availability of e-scooters, e-bikes and related mobility options.

Given that e-scooters or e-bikes may be mostly exempt from the compulsory third party scheme which applies to motor vehicles in New South Wales, we encourage the Committee to recommend early and thorough consultation with stakeholders by Transport for NSW and/or the State Insurance Regulatory Authority on how to achieve appropriate and proportionate regulatory settings to respond to serious accidents involving riders of an e-scooter or e-bike and/or any injured third party.

The task of arriving at the right policy settings will require the consideration of detailed consultation proposals informed by the technical expertise of Transport for NSW and other government stakeholders, coupled with data to understand the financial implications of any relevant insurance options. In our view, any consultation

---

**CORRECTED**

---

should canvas the appropriate standards for e-scooters and e-bikes that will be permitted for legal use in New South Wales, examination of the impacts of licensing and registration both on riders of e-scooters or e-bikes and the scheme, and options beyond extension of the CTP scheme which may provide alternatives for a person who sustains serious injuries caused by an e-scooter or e-bike where the rider is uninsured. Thank you for extending the opportunity to the Law Society to give evidence today.

**The CHAIR:** Thank you very much for your submissions and evidence. I want to get to the issue of e-mobility devices versus just ordinary bicycles, if you like. The Australian Lawyers Alliance has suggested that the Government mandates that private owners of any e-mobility device have insurance. In terms of regulation, I think that needs to be balanced with the barriers that would also place on people, and the scale at which people have bought these devices so far. What's the difference, in your mind, between mandating insurance for private owners of e-mobility devices and mandating them for private owners of bikes like pushbikes and pedal bikes? Surely that would suggest that it should be extended to all bicycles as well. What's the difference there, in your mind?

**GENEVIEVE HENDERSON:** I think the difference has to do with the potential harm from an e-scooter. E-scooters are that much heavier, go that much faster and are used by many people for more frequent use. People will use e-scooters and e-bicycles on footpaths and more informally than bicycles. Your point is right, though: Bicycles also cause injury. Bicycle NSW and others already have insurance, and I believe that they're giving evidence on what they have in place for the injuries caused by bicycles. There are issues around that as well. The ALA supports that their insurance is in bicycles as well, but the difference is in scale and potential injury. If I had to make a difference—and I think we do need to distinguish them, because the problems with regulation are something that you're going to be looking into, and the difficulty with licensing and other things—it's the scale and potential injury. That is what I would say is something you need to look at. The injury that can be caused by a heavier, faster—it's a difference of scale. I think that is what you need to look at, and that's the reason.

**The CHAIR:** I think this Committee is grappling with—and no doubt will come up with recommendations—speed, safety and various issues in the reasonably unregulated environment in this State. I have had conversations with some people in the insurance industry about the fact that if a vehicle isn't registered, no insurance in terms of CPT necessarily applies or comes with that. Has anything been considered or explored around whether, for example, a couple of dollars out of each—broadly across the whole vehicle insurance spectrum—could go, additionally, into the Nominal Defendant scheme, for example, to deal with everything associated in terms of accidents with e-mobility devices, pedestrians who are hit et cetera?

The issue is that there are so many devices, it's that whole thing of keeping up with it. We have talked about the kids getting the bigger and better e-scooters this Christmas. We ultimately can't regulate ourselves out of it, and I think it's unrealistic to think that every single device is going to be registered and insured. Has anything been contemplated? What do you think of how a scheme could be devised or regulated to ensure that insurance does cover people more broadly without an individual having to be registered and take out that insurance? I'm just exploring that idea.

**GENEVIEVE HENDERSON:** I think that is a very valid suggestion that you've put forward, Madam Chair. Whether it would need to be costed—and I'm sure the Insurance Council and CTP insurers will have a view about whether this is a good idea or not—the ALA would certainly support exploring that as an option because we are very keen to ensure the people injured in circumstances that we're describing have access to some sort of cover, and that would be an option. Mr Concannon might have a view on this.

**TIM CONCANNON:** I agree, theoretically, it's a great idea. I think the problem you'll find with people from the insurance industry is the unfunded premium and where the premium dollar comes from in that scenario.

**GENEVIEVE HENDERSON:** I think you're suggesting a dollar added to them.

**The CHAIR:** There could even be a price on the sale of e-bikes and e-scooters, for example—just spitballing, which is probably a dangerous idea as Chair of the Committee.

**TIM CONCANNON:** Absolutely. If a dollar or two is going to do it, then that's certainly something that's worth looking at. But you'd have to also have an extension of the existing Nominal Defendant scheme to cover that, because they wouldn't be covered as matters stand.

**The CHAIR:** That's right.

**GENEVIEVE HENDERSON:** It requires legislative change.

**The CHAIR:** Exactly.

---

**CORRECTED**

---

**The Hon. MARK BANASIAK:** Obviously you've already touched on the fact that we, as a Committee, need to grapple with how we regulate these devices in their varied nature. When we are looking at how we define what is an acceptable device, are we better looking at the standards and their capabilities? If so, do you think it should be done at a State level or this should be something that would be better handled at a Federal level, where, let's be frank, a lot of these devices are coming from overseas and it's perhaps better placed at a Federal level in terms of enforcing the products that can come across into our country?

**LEIGH DAVIDSON:** I think at a Federal level you've got the opportunity to be able to impose import restrictions on certain devices, particularly if they're low-grade lithium ion batteries, for example, that are coming in, which seems to be a large part of the problem with the scooters catching fire and things like that. It's not necessarily the manufacturer; it might have been the standalone replacement lithium ion batteries. Those import restrictions could solve a lot of the problems around the product liability issues. Separate to that, at a State level I suppose you could then restrict or allow and have some design rules around what's actually suitable for New South Wales roads around speed, weight and that kind of thing. It's probably an opportunity to work hand in hand, to be fair, if you can't achieve both at a State level.

**TIM CONCANNON:** I think it's also possible that, if you manage to coordinate the various State schemes, you might really have more of a role for the Federal Government, as you suggest, in that scenario than the State Government, because you've really only got one set of regulations potentially through the import and export scenario that would be potentially necessary. At the moment you've got very disparate schemes dealing with e-bikes and e-scooters.

**The Hon. MARK BANASIAK:** How important is it that we get those definitions right before we start looking at insurance products?

**GENEVIEVE HENDERSON:** From the ALA's point of view, you look at insurance products immediately. There is an immediate need, because people are being injured right now. The standards will follow or will have to be looked at as well. Even if you do have standards, they're not going to be always followed. We have many sets of rules that are not followed now. E-bikes are not allowed on public roads and in public spaces now, but they are being used right now.

It's very good that this Committee is looking at these issues and trying to get in front of it, but from the ALA's point of view it's the consequences of the use of these things that is primary. Everything else needs to be considered along at the same time. It really is the New South Wales Government's role, now that you've started this inquiry, to get in front of it from a New South Wales point of view. But I agree with my colleagues that the Federal Government also has a role in this. The way to get this across Australia would be from a hand-in-hand approach with Federal and State governments and Territories.

**LEIGH DAVIDSON:** I might just add to that as well. It will depend on whether you're looking at each from a policy point of view as opposed to a legislative point of view. Insurers obviously at a policy point will have the ability to rule out certain things for certain risks that they don't want to cover, whereas if it's governed by legislation, largely the Parliament will determine what is in and what is out.

**The Hon. MARK BANASIAK:** I guess that's to my point—to pick up what you're saying—that we have to have insurance products now for what will be out there. How quickly can insurance companies mobilise to get these products out there that obviously are fit and proper for what they're insuring, which is potentially a bit of a moving feast at the moment?

**GENEVIEVE HENDERSON:** It will always be a moving feast for insurance companies. They can move very quickly on occasions and, on other occasions, seem to be very, very slow. We have some examples of the CTP scheme, which we won't go back historically, where they made predictions about what things would cost and were historically incorrect on every single—made incorrect predictions, surprisingly in their favour, but did make incorrect predictions. Insurance companies will have difficulty. They will need data, of course. But they always will.

**The Hon. MARK BANASIAK:** We'd need to obviously draw a line between private models versus the e-share models, and we've heard from the proprietors of e-share models that they have some level of insurance cover. It's unclear as to what that is and what that covers. Are you aware of—

**TIM CONCANNON:** I think we'd have to deep dive into what that involves because my understanding, at least of the ones with Bicycles NSW, is that their insurance coverage is somewhat limited and capped at quite a low level and doesn't necessarily cover injuries to third parties, as I understand it.

**The Hon. MARK BANASIAK:** I'm more interested in the Limes and the HelloRides of the world. They're saying that they actually have some level of insurance cover, but it's unclear. Given the Personal Injury

---

**CORRECTED**

---

Commission case where they said e-bikes aren't classed as a motor vehicle, therefore it can't be CTP, is it public liability? Obviously, public liability has its limitations as well.

**LEIGH DAVIDSON:** I think the question would be whether they're actually covering the injured cyclist or whether they're only covering the third party that's been injured in the accident. They're generally private policies, so unless you're involved with the organisation you probably haven't got long sight of it.

**The Hon. MARK BANASIAK:** It would be your association's view that we really do need both? We do need third party property damage and also personal injury.

**TIM CONCANNON:** Absolutely, first party and third party.

**LEIGH DAVIDSON:** Absolutely. The downside to it is, though, that if you bring it under any scheme it obviously adds to the cost. We saw that through the CTP scheme, where drastic changes in benefits had to be slashed in order to afford a first-party model. If you're looking at first-party and third-party coverage, it obviously then comes down to a question of, well, how much is that policy going to cost? Is it coming under your statutory scheme? Is it a private scheme? Is it mandated? Is it not? Is it then making things prohibitive to actually using e-scooters, e-bikes, because of the insurance coverage? You don't want to detract from this being a valid mode of transport, but at the same time you've got to weigh up the cost to the public.

**The Hon. MARK BANASIAK:** As legislators we have to weigh up the cost. If we don't have adequate insurance then the State bears the cost and then, ultimately, consumers will bear the cost in terms of rising health insurance to cover this stuff.

**TIM CONCANNON:** The other complicating factor you've got here is the age of the riders and the extent to which they can be held liable. Some of them I've seen on our local streets would be no more than 11 or 12 years old.

**The Hon. ANTHONY D'ADAM:** What is the status there? Who is liable if a 12-year-old riding an e-bike causes injury to a pedestrian under current law?

**TIM CONCANNON:** I would have thought that's a real difficulty, in terms of the age of responsibility at that point, at 11 or 12 years old.

**GENEVIEVE HENDERSON:** I think a claimant lawyer would be looking at the parent. We'd be searching for other people that might be responsible if you can't blame the child. If my child was catastrophically injured by another child on an e-scooter and I was looking for compensation, I'd be looking at the child, but, you're right, the age is very relevant. How much responsibility can you attach to a child? The next step would be to look at the parent to see what responsibility they have.

**The Hon. MARK BANASIAK:** They put the device in the hands of the child.

**The Hon. ANTHONY D'ADAM:** We've talked about setting a limit on users being 16 or above. Is that one of the reasons why that might be useful?

**GENEVIEVE HENDERSON:** I don't know why the road rules have chosen 16 as a benchmark.

**The CHAIR:** Considering bikes, as we said, anybody of any age can ride a bike.

**GENEVIEVE HENDERSON:** Yes, any age can ride a bike.

**The Hon. ANTHONY D'ADAM:** Sorry, I jumped in.

**The CHAIR:** That's okay; we've all jumped in. We're all having a conversation.

**The Hon. ANTHONY D'ADAM:** I'm assuming from the contributions thus far that on the threshold issue of legalising e-scooters and putting in place a regulatory regime, everyone is in favour of that step being taken by government? Do you agree the horse has bolted in terms of complete prohibition?

**LEIGH DAVIDSON:** I don't think we're for prohibition.

**TIM CONCANNON:** I don't think we'd be supporting that.

**GENEVIEVE HENDERSON:** The horse has bolted on that, I think, yes.

**LEIGH DAVIDSON:** It's about finding the appropriate balance.

**GENEVIEVE HENDERSON:** Prohibition has been tried and failed in other jurisdictions.

**The Hon. ANTHONY D'ADAM:** What role do you think education should play? We've talked about the enforcement difficulties. Where do you think the balance should be in terms of a reliance on education?

---

**CORRECTED**

---

**TIM CONCANNON:** I think very significant.

**GENEVIEVE HENDERSON:** Enormous.

**TIM CONCANNON:** I know in my local council, Northern Beaches, I think their submission refers to the code that they have developed there for dealing with the operation of e-bikes, which is simple and targeted at the local schools. It's quite well publicised. I think something along those lines, particularly if you are targeting that age group, is vital. We found in the early days of the new CTP scheme in 2017 that there was a real lack of public education in the eyes of the legal profession about public awareness of how the scheme was operating. If public education could be real ground down into that school scenario, it would be a great start to improving the situation. That code of conduct is certainly something worth looking at.

**GENEVIEVE HENDERSON:** I strongly support what Mr Concannon says. The level of ignorance right now on the road rules around bicycle use is enormous. Bicycle riders should dismount when they are passing a pedestrian. Bicycle riders should, on shared paths, give way to pedestrians. Did you know that? Do bicycle riders know that? Is that what is happening? No. That is a lack of awareness. You can imagine how much more important it will be when it's an e-scooter with the weight and speed that we are talking about. Mr Concannon is absolutely right. Start at the schools. Councils should also be very aware of what is being proposed and what regulations there are. They need to publicise it and put it in places where these rules apply—in the spaces where families are walking along with babies and prams and these very fast-moving vehicles are coming past. That should be front and centre of what the regulations are. Regulations that nobody knows about are not effective regulations.

**The Hon. ANTHONY D'ADAM:** There was a suggestion yesterday around a model akin to the junior boat licence. That would be at a nominal fee, but it would enable that direct educational engagement to occur before someone got in control of a vehicle. Do you have any views on that?

**GENEVIEVE HENDERSON:** I think these all should be explored. Anything that encourages compliance is a good idea. I defer to my friend. The ALA would support anything that helps.

**TIM CONCANNON:** I'm not sure I can necessarily say this, as a representative of the Law Society, but some form of compulsory training, I would have thought, is a great step as well, particularly when you are dealing with the younger age groups that you are dealing with here.

**LEIGH DAVIDSON:** You could leverage some of the existing organisations—the cycling organisations—that are adopting this kind of thing. They, I would imagine, would put up their hand to be part of that. I think part of the problem we've got at the moment is that e-bikes and e-scooters are essentially a new mode of transport. It's technological change that prior generations have got no experience with, unless they have actually gone and used one themselves later in life. Giving these to a child as a gift—the parents aren't necessarily aware a lot of the time about the weapon that they can be used as when they are in the wrong hands. It's a fine balancing act between making sure that there is training but also not restricting the appropriate use.

**GENEVIEVE HENDERSON:** And access.

**LEIGH DAVIDSON:** It is certainly a challenge. But, like I said, I think you would find that some of the bicycle organisations would put up their hand to be part of this if you did want to go down the training path.

**The Hon. NATALIE WARD:** Thank you all for your attendance today and for preparing your submissions that you have made, and for your work in this field. It is very useful. Can I just pick up on one of those last points? I am a mum. Christmas is coming. I'm looking for a decent Christmas present. I go on Amazon and I can pick up a fat bike, depending on what my budget is for the kids. There is no warning that comes up or understanding or information about what I or my kids have to be complying with. It doesn't say, "You've got to comply with these regulations." There's no standard. There's nothing to warn me.

Parking consumer law and getting your personal injury focus, is it the case that regulation would, in a sense, provide that clarity, given there's what seems an entire gap around knowledge, education, understanding, enforcement and, obviously, insurance? Is the starting point regulation? If so, do you think that should at the same time lock in with insurance? I think the answer is obviously yes, but how do you see that working and the time frame for that happening? Given Christmas is coming, I can buy one now and potentially there are injuries by the end of this year.

**GENEVIEVE HENDERSON:** I'm a mother, too. I wouldn't buy one for my child.

**The Hon. NATALIE WARD:** They're very expensive, too.

**GENEVIEVE HENDERSON:** They're very expensive, but the risk of injury is enormous. The risk of causing injury is enormous, and probably even greater than causing injury to yourself.

---

**CORRECTED**

---

**The Hon. NATALIE WARD:** That's highly likely, in my case. We want our kids out riding bikes. We want them outside and off screens. We all agree that there's been big uptake. I also am on the northern beaches. I've seen three girls with no helmet having a whale of a time on an e-bike flying along on the footpath and off the footpath. I'm glad they're outside, but it's a danger to them and to others. We've heard from others about the potential for licensing, in the sense that the bike itself could have a licence plate, which could allow identification. At least then mum and dad would get a \$350 fine, and I reckon the behaviour would change pretty quickly. Do you think that's an opportunity that could be availed—or, alternatively, the licensing of the rider themselves, such as a younger boat licence-type, early driver education, early driver sort of arrangement?

**TIM CONCANNON:** I think the problem there is balancing over-regulation with promoting access to the obvious health and other benefits of use of e-bikes in terms of the environment, let's say. We don't want to over-regulate, but at the same time we want to protect the legal interests of those both injured by the bikes and also travelling on the bikes. I don't think, necessarily, we'd be promoting the use of a licensing system, but some form of compulsory insurance system that probably involves the parent in the process is something that I think the Law Society would—

**The Hon. NATALIE WARD:** So how does the compulsory insurance fit in, then? Is it licensing the bike itself or through registration of the bike?

**TIM CONCANNON:** That's how compulsory third party insurance works with the vehicles. It attaches to the vehicle, not to the person.

**The Hon. NATALIE WARD:** That's right.

**TIM CONCANNON:** It would have to work in that sort of way.

**The Hon. NATALIE WARD:** Just to be clear, you'd be supportive of that or you think that would be over-regulating?

**TIM CONCANNON:** We probably should take that formally on notice, the response to that question, if you want a Law Society position on it.

**The Hon. NATALIE WARD:** I think it would be helpful. We're all trying to come up with ideas and look at the challenges here and get the balance right. But equally, what we've heard reasonably consistently is there is a gap.

**TIM CONCANNON:** Our committee has got a balance on either side of that ledger, I think it'd be fair to say. Different views have been expressed about which is the best way to go and where the balance should lie.

**The Hon. NATALIE WARD:** Could I invite you, perhaps, to also on notice give a view on the other jurisdictions? We've had some comparisons from road safety experts about what legislation or schemes might be working and what the comparative analysis might be between them—if you have capacity to do that.

**TIM CONCANNON:** Sure.

**The Hon. NATALIE WARD:** Just a short, sharp table might be helpful.

**TIM CONCANNON:** We can look at that for you.

**GENEVIEVE HENDERSON:** The ALA will do that also. We'll take that question on notice as well. We only act for the injured person, so we'll have a more robust version.

**The Hon. NATALIE WARD:** I'm familiar with your excellent work. Thank you very much.

**LEIGH DAVIDSON:** If I might just add, with regard to your Christmas question, there are some guidelines in regard to the e-bikes on, I think, the Transport for NSW website. But you've got to have a pretty good understanding of the capacity of the bike in order to break it down.

**The Hon. NATALIE WARD:** Yes—high-vis, over 25 k's. Just the practicality of that, if I'm buying an e-bike as a mum, I'm not looking up the Transport for NSW website.

**LEIGH DAVIDSON:** No, I know. I appreciate that.

**The Hon. NATALIE WARD:** There is no link there.

**LEIGH DAVIDSON:** Actually bringing that into the point of sale would be probably an easy solution if you wanted to encourage the Amazons or the eBays of the world. I don't know whether you have that kind of power.

---

**CORRECTED**

---

**The Hon. NATALIE WARD:** A pop-up as you're buying—great idea. That's where I was heading. Ms Henderson?

**GENEVIEVE HENDERSON:** This is probably a frivolous point but the exercise value of an e-bike is very much less than the exercise value of a normal bike, so as a parent I would also be encouraging you to use pedal power. This not a good option to get your child outside. That would be my argument for my child.

**The Hon. NATALIE WARD:** Excellent, thank you. Good advice.

**The Hon. ANTHONY D'ADAM:** Can I just clarify, in terms of your CTP proposal, you're not proposing to extend that to pushbikes? Just e-bikes, is that right? Or is it your contention that all bikes—e-bikes and normal pushbikes—should be covered by some type of CTP scheme?

**TIM CONCANNON:** Sorry, by CTP, if you mean something akin to what we've got with motor accident insurance—

**The Hon. ANTHONY D'ADAM:** Yes. Not that scheme but some type of scheme that would cover the potential for injury.

**TIM CONCANNON:** Yes, both from a first-party and third-party perspective.

**GENEVIEVE HENDERSON:** That's the same with the Australian Lawyers Alliance. We're not suggesting they should be incorporated within the CTP scheme necessarily. Although that could be an option that you would like to explore, but we're not proposing that—as long as there's some form of insurance.

**The Hon. ANTHONY D'ADAM:** But you're not saying exclusively for e-bikes; you're saying also for normal pushbikes as well.

**GENEVIEVE HENDERSON:** Our submissions are directed to e-bikes at the moment, but you may wish to explore other options as well.

**The CHAIR:** Do you have any thoughts around the regulatory framework when it sits with councils versus State? Yesterday morning we heard from councils around the fact that a lot of the policies and regulations—basically the governance framework really—of what there was in terms of shared bikes were sat with local councils. There was no State regulatory framework. The same could be said in some ways with e-scooters. These shared schemes are kind of all managed guidelines that produce different guidelines for different councils. It does seem to make sense for there to be a statewide regulatory framework rather than all of these schemes managed differently in different councils and then some councils actually having the ability to ban the use and whatever. Have you got views on that in terms of recommendations to the Government about that?

**GENEVIEVE HENDERSON:** My colleagues will correct me if I've got this wrong, but I think it sits mostly with council at the moment because they own the property over which these products are being used. That's why they have the power to regulate the use, because they own the property. As far as the State Government is concerned, your regulation comes through the road rules and the criminal law, and that is the source of your regulatory power. That's the difference at the moment. That's why it sits with the councils at the moment. You will need to use the road rules and the criminal law to regulate the use of these products, but I can be corrected.

**The CHAIR:** What, you mean in terms of the e-bike shared scheme is because that's on the footpath, they have to—

**GENEVIEVE HENDERSON:** That's correct, whoever owns the property. It's the owner of the space, which is why the councils are so important, and to come over the top of that your tools are—and I will be corrected by my colleagues if I'm getting this wrong—the road rules and the criminal law.

**TIM CONCANNON:** Are you referring to e-scooters or e-bikes, because they're two different things?

**The CHAIR:** Referring to both, in a sense, because this inquiry is looking at both. We've heard concerns obviously in terms of the shared e-bike schemes that once people get out of a certain local council boundary there are potentially different rules that apply and similarly if we roll out e-scooters at any greater way than is currently the case. That situation is frustrating for consumers particularly. What was also mentioned yesterday were changes to the road rules in terms of the way in which road users are defined in our road rules, which really haven't kept pace, obviously, with the changing nature of people on the roads. Do you have anything to say in relation to that?

**GENEVIEVE HENDERSON:** I don't have any knowledge on that. I'd have to take that on notice if you needed me to look at it. I certainly can make some investigations on that issue, but I can't answer that right now.

**The CHAIR:** I might actually put something in to you as a supplementary question.

---

**CORRECTED**

---

**GENEVIEVE HENDERSON:** Thank you. Absolutely.

**LEIGH DAVIDSON:** Overall, you do end up with a large amount of inconsistency when you're having different schemes across different councils across the whole of the State. If you're looking at this, consistency would be key if you want adherence to the law.

**TIM CONCANNON:** I'm pleased to see that there is, if you refer to the Government's submission, an interagency group that's been formed since May 2024, at least. The other problem is that you might fall between two government agencies. We've seen that in the CTP space recently with public transport accidents, and, let's say, with SIRA and Transport for NSW. I think it's important that government bodies themselves, firstly, meet regularly, are proactive and recognise the urgency of this and of the risks that arise here. The risks are only getting larger by the day.

**The CHAIR:** Yes, that's right.

**The Hon. WES FANG:** Thank you for appearing today. I'm trying to find somewhere some stakeholders that were consulted by the Minister before her announcement on Monday that this was going to be rolled out across New South Wales. Were either of your organisations consulted prior to the Minister making the announcement? If so, are you able to provide some guidance as to what that consultation was?

**TIM CONCANNON:** This is the announcement about e-scooters?

**The CHAIR:** Yes.

**The Hon. WES FANG:** Yes.

**TIM CONCANNON:** Not to my knowledge.

**GENEVIEVE HENDERSON:** And not to my knowledge. If I am incorrect in that, I will bring that to your attention, but not to my knowledge.

**The Hon. WES FANG:** While Minister Jo Haylen might not have consulted with you, what about the roads Minister, the Premier or the Premier's Department? Did anyone consult with you?

**GENEVIEVE HENDERSON:** Again, not to my knowledge, but if I am incorrect then I will correct my evidence.

**TIM CONCANNON:** The same with the Law Society.

**The Hon. WES FANG:** I'm going to throw it out there—did Transport for NSW perhaps consult with you about this announcement from the Minister that we were going to do this, or is the Law Society and ALA another two stakeholders that were not consulted by the Minister before her announcement?

**GENEVIEVE HENDERSON:** Again, not to my knowledge. Although, I think at some time in the past this topic was raised—I mean years ago, but I can't say when—but not in the context of the current announcement. I will correct my evidence if I'm incorrect on that.

**TIM CONCANNON:** I agree. The Law Society hasn't been consulted, to my knowledge.

**The Hon. WES FANG:** Before the announcement, would you have appreciated the opportunity to provide some feedback to the Minister before she made the announcement?

**GENEVIEVE HENDERSON:** The ALA is always happy to provide feedback and assist in these things, yes.

**TIM CONCANNON:** Yes. The Law Society would agree that that would have been a good idea.

**The Hon. WES FANG:** I will make sure to pass on to the Minister that she should pick up the phone next time and have a conversation.

**The CHAIR:** Good on you, Wes.

**The Hon. MARK BANASIAK:** I'm sure she'll take your call.

**The Hon. NATALIE WARD:** I'm sure she will.

**The CHAIR:** I think you've exhausted that line of questioning anyway, to be frank.

**The Hon. WES FANG:** One day, Chair, I will find somebody that was consulted before she made this announcement. One day I will find something.

---

**CORRECTED**

---

**The CHAIR:** Thanks, Mr Fang. I started it yesterday; it's good to see he's continued it. That's the end of our time. Thank you so much for your evidence and for your very valued opinions. The secretariat will be in touch if you've agreed to take anything on notice, and I do think members will have supplementary questions for you on this issue, which we would be most grateful for you to answer.

**(The witnesses withdrew.)**

**(Short adjournment)**

---

**CORRECTED**

---

**Dr MEGAN FINNIE**, Board Director, Institute of Public Works Engineering Australasia (NSW and ACT), sworn and examined

**The Hon. DAVID ELLIOTT**, Chief Executive Officer, Institute of Public Works Engineering Australasia (NSW and ACT), sworn and examined

**The CHAIR:** Welcome back. No doubt this experience will be slightly less adversarial, potentially, than some of the others you've been through. I'm sure you're feeling reasonably comfortable. There is provision to make a short opening statement. Who will be giving that?

**DAVID ELLIOTT:** Thank you for the opportunity to provide evidence on this matter. The Institute of Public Works Engineering Australasia (NSW) has been around for over 100 years. We represent the engineers in a professional capacity. We're not a union of employers like other industry associations. We represent them in a role that offers them professional development courses. We advocate for engineering in the public space. The majority of our members are public sector engineers, although there is an increasing number of them who have come from the private sector, Dr Finnie being one. The vast majority, if not all of them, have worked in both the private and public sectors. Our submission, which the Chair has, really just revolves around the demands on infrastructure.

We acknowledge that with 450,000 e-bikes and e-scooters in the country at the moment, we're not going to be putting the genie back in the bottle. These devices are here to stay. Much like the case studies that you'll draw on with the internet, with drones, with Uber and all of the other disruptive economic models that have come with the use of engineering and technology, we believe that the Government needs to make sure this is regulated lest it becomes a bigger problem down the road and an issue which we cannot draw upon to regulate. The police have already made clear that even though they see clear breaches on the road every day, they certainly don't infringe anybody unless they're doing something very silly.

You will see in my submission that I've drawn upon the example of New York City. The former mayor there announced last year a suite of reforms and regulations to ensure that this is being regulated. Of course, outside of Melbourne, the Victorian Government has already got a policy for 2025 and going forward. As I said, we're not here to advocate the moral benefits—the rights or the wrongs—of whether or not e-bikes or e-scooters should be here. The fact is nearly half a million of them are here. We want to make sure the Government knows when they are putting the parameters around regulation and legislation that those parameters include a strong commitment to safety but also a strong commitment to investing in providing the necessary roadways. That may include a re-definition of shared zones, which are clearly becoming a problem across high-density CBDs.

We also want to make sure that there is a punitive approach to allow councils and the State Government to fine people who are doing the wrong thing. At the end of the day, if you look at the submissions—I've read many of them—with the exception of only one, all of them, even those that don't like e-bikes, call for some sort of mandatory regulation or legislation. That's where the Committee has to go. For the historians, we didn't have runways until planes were invented; we didn't have bitumen roads until motor vehicles were invented. This is just another step on the journey that the evolution of transport offers up.

**The Hon. NATALIE WARD:** It's great to see you back here in this place. Thank you, Dr Finnie, for coming along today and for your submission to the Committee. It's very helpful. Can I pick up on your points about the historic points and perhaps get to whether the cart is before the horse in this case? There's clearly been a big uptake in these e-bikes and e-scooters, and the opportunity to buy more before Christmas if you hop on Amazon. But, given that the Minister has already announced that these will be legalised before this Committee has even heard from people such as yourself and other stakeholders, do you think it's a bit pre-emptive? Do you think there should be education, consultation, regulation and sounding about these before that comes about, or do you think it's raring to go, ready to go and let's legalise it tomorrow?

**DAVID ELLIOTT:** I would have thought that we need to make sure that we get the regulation right before they're legalised. That's certainly no criticism of the Minister. I've had some informal discussions with her and other Ministers about the need to embrace technology, whether it be e-scooters or artificial intelligence. This has been a long time coming for local government, and for the infrastructure portfolio more broadly, because all of those complaints that we've seen in the lead-up to this inquiry, particularly over the last seven days, have revolved around what is defined as a shared space. It's all about whether or not an old lady is going to get knocked over on a footpath. Maybe this Committee or the Government would need to be able to say, "Righto, the laws will be changing. This is the time to have them changing," but committing also to the investment into infrastructure. Dr Finnie, did you want to say anything else on that?

---

**CORRECTED**

---

**MEGAN FINNIE:** I want to reinforce around the infrastructure needs and around keeping all road users safe. That includes the pedestrians on footpaths and the cyclists on the shared paths or on the roads. It's around making sure we understand where the gaps are in the network and fill those gaps before they all come through.

**The Hon. NATALIE WARD:** Haring around the corner.

**MEGAN FINNIE:** Yes.

**The Hon. NATALIE WARD:** I'm not against them. It's great to get kids off screens and get them outside and exercising, but we have heard about, and we've seen examples of, three kids on a bike—woo hoo!—going really fast, no helmets and having a great time on the footpath and off the footpath. In terms of regulation, what do you see that should look like in terms of how you have the regulation in place and who that applies to in terms of age? You've said an age limit should be applied and that there should be rigorous regulations in relation to ensuring safety.

**DAVID ELLIOTT:** Yes.

**The Hon. NATALIE WARD:** Can you talk us through what your thoughts are on that? In particular, I'm interested in the online safety test.

**DAVID ELLIOTT:** Most of those comments in our submission were on the back of the New York reforms—which, again, I would recommend the Committee look at, if you haven't already. We're not really in a position to dictate to the Committee or to the Government what the regulations and legislation should be. Our commitment is to make sure that the infrastructure is there. But if you're asking me how regulations and legislation should influence the provision and the operation of that infrastructure—well, yes, I've got some strong opinions. One of them would be, of course, that if you're going to be giving somebody that responsibility, they have to be mature at some level, and that would insinuate that an age limit would be required. There are obviously public liability issues, which you're probably more across than I am, which would require some sort of fee to be paid so that there is a bag of money for any liability to be drawn from.

We want to make sure that any legislation or regulation excludes footpaths as a road-related area. Footpaths cannot be included in the offerings for somebody riding an e-bike or an e-scooter. Beyond that, we also need to make sure that people are aware that if they are going to be in a shared space where we do have e-bikes and e-scooters used, if you are going to deliberately put yourself into a shared zone—which, again, I think needs to be redefined—then there is a possibility that you're going to be coming up against an electronic scooter or electronic bike.

Finally, my only point before I offer the talking stick to Dr Finnie is I think also we need to make sure that speed is a consideration in any legislation. Somebody in one of the submissions said, "They go up to 80 kilometres an hour." They don't go up to 80 kilometres an hour, but the problem is that when some of them have been capped—their speed limit is capped—they can actually be tampered with. That's where the lithium batteries blow up, because they've with been tampered with. Our submission would be, from a safety point of view—not that local government is the first responder to a fire but they can certainly influence the operations of local government. This is why the regulation is important, because there are so many variables out there at the moment that an unregulated situation allows for. So we would want to see that the regulations or the legislation determines or dictates, or certainly advises people, what personal liability and personal responsibilities they might have if they find themselves in a shared zone.

**MEGAN FINNIE:** To echo most of David's points, from my perspective I can't answer on an age limit or things but I do believe there needs to be some level of enforcement. It is a vehicle. It's around making sure that the road corridor is there to be used by the users, and also the active transport networks. The regulations need to be applied so they can have the right use of those transport modes as well as the transport network.

**The Hon. NATALIE WARD:** Can I follow on from that then. We've heard from most of the stakeholders different views on this. But in terms of that enforcement, who is best placed, in your view, to do that? Councils have a role to play with some of the infrastructure, and police obviously deal with the roads but are stretched and can't even get to RBTs at the moment and it's another layer of complexity for them. Do you have a view on how that could be worked through as well?

**DAVID ELLIOTT:** I think probably most local councils would tell you they don't want to have responsibility for enforcement. But in practice at the moment they have responsibility for enforcing things like parking restrictions and the like. I think council rangers can also fine somebody for using vehicles, or using toys or games or remote controls in parks and on beaches. If the Committee deliberated to the point that councils should be a law enforcement agency in this regard, they would probably need the resources to back that up. Again, that comes down to what revenues you raise from regulation. If there are 450,000 of them out there now, and a

---

**CORRECTED**

---

throwaway figure I got was \$100 per year per e-bike or e-scooter, that's \$45 million that would be available to enforce these matters. You'd probably find councils' initial response would be not to be responsible for enforcement, but the reality is they probably will need to be in some way.

**The Hon. NATALIE WARD:** The infrastructure that you talk about, with the path not being part of the pathways for pedestrians but being part of the infrastructure on the roadways and shared cycleways—who should be responsible for paying for that? Is it councils? Is it State Government? It's obviously a big task but a good start needs to be made, given these are coming. Where do you see that sitting?

**MEGAN FINNIE:** The responsibility would most likely be within the local government sector if it falls on a local government road. As you're probably all well aware, the local councils don't have the funding for brand-new infrastructure across their whole network. It's just not a reality, not with the maintenance backlog that we already see on the roads and in other areas of their remit, so there would need to be a call for funding from other levels of government to help support them in delivering safe infrastructure for the network and for their communities.

**The Hon. NATALIE WARD:** They're still busy filling potholes in the roads.

**DAVID ELLIOTT:** The thing to consider, of course, is that this is a different type of road, and there's a different type of road aggregate that is used to build it. The damage and wear and tear on it by a cycleway or a footpath is a lot less than what it is on a road. You wouldn't have the recurrent costs that you do on roads. I don't think you'd find that there'd be many councils that are in a position to absorb whatever extra costs. They might vary from council to council as well.

**The Hon. WES FANG:** Mr Elliott, it's great to see you back. It's like you never left. I want to ask one simple question: Were you aware that the Minister was going to make the announcement on Monday?

**DAVID ELLIOTT:** I was, but only a couple of days beforehand. I was aware that there was a journalist looking into this Committee's deliberations on the back of some of the submissions that were put in. Do I expect the Minister to tip me off every time she's going to make an announcement? No, I don't expect her to do that. I accept the fact that this has been front of mind for government. It has been front of mind for us as well.

**The Hon. WES FANG:** Given that you were aware of it being announced—but it sounds to me as if that was only the case from media requests via your submission—did the Minister seek your input or consultation in relation to the announcement?

**DAVID ELLIOTT:** No, not on this matter.

**The Hon. WES FANG:** You were about to shock me as the first stakeholder that was actually consulted by the Minister prior to the announcement, but it was only through a third party—being the media—that you were aware. You weren't aware from the Minister?

**DAVID ELLIOTT:** Correct.

**The Hon. WES FANG:** In that circumstance, again, none of the major stakeholders have had any input into this Minister's announcement. It has just been a back-of-a-napkin exercise that was announced in the paper without any policy work being done behind it, it would appear. There has been no policy advice from you?

**DAVID ELLIOTT:** Wes, in my current role, I'm going to be very uncharacteristically cautious on answering that question. I'm within hitting distance of Dr Finnie, so I'm not going to embarrass her. I'll take your question as a political point.

**The Hon. WES FANG:** Some things change. Some things are—

**The CHAIR:** Thanks, Wes. I'm going to call that as your questions done and go to questions from the Government.

**The Hon. ANTHONY D'ADAM:** I'll start by saying that the Minister's announcement was about an intention to legislate, to put e-scooters on a legal footing and then to engage in regulation. That's the extent of the announcement. Obviously, there is a lot of work that needs to be done and consultation that needs to occur. Broadly, are you supportive of that direction being taken by government?

**DAVID ELLIOTT:** Yes. I made that point to the journalist that called me about it. Some of them agreed with the announcement. Obviously, one or two have not agreed with the intent that the Minister has shown. I've had a number of conversations about this particular issue since I've been in this role, on both sides of politics, and there seems to be general agreement that this needs to be regulated. I'm certainly supportive of the need for regulation. People need to realise that that's not endorsing the decision to have these legalised; it's accepting the fact that there are 450,000 of them out there.

---

**CORRECTED**

---

When you marry that statistic up with another statistic, being that two million trips every day are taken in cars for less than two kilometres—I would have thought that Madam Chair's party would be horrified at that figure, because I'm horrified at it. Formerly I served a party that didn't always agree with Madam Chair's party. I cannot see how we can turn our back on embracing this as potentially a massive win for commuters. That's why I enthusiastically provided a submission to this Committee. Again, I don't want anybody to think that myself, Dr Finnie, our institute or our members are saying that they should be banned or they shouldn't be banned. We're accepting the realities of a couple of statistics that have said that—and the lesson of history, the lesson of history being that you look at drones and Uber and the pain that we went through with those things because we didn't grab the bull by the horns.

**The Hon. ANTHONY D'ADAM:** I'm going to try to delve into the enforcement question. Maybe this is outside the area of expertise that you're bringing to the Committee. If you've got speed or helmet requirements—or maybe it's size or capacity questions around a vehicle—that's going to be beyond a council ranger to be able to enforce. They're not going to be able to apprehend someone; they're not going to be able to confiscate a vehicle. Ultimately, it has to be police that does the enforcement. Is that fair to say?

**DAVID ELLIOTT:** If I can draw on my time two careers ago as police Minister, there's no other combat agency or any government department that could police or enforce this better than police. As I said, local government—I mean, it depends on what technology you use as well. There are discussions that these e-bikes and e-scooters could have some sort of tag on them, like you put on your luggage when you fly overseas, so that we could monitor how fast they're going and where they're going. You could use technology to do the law enforcement for you.

If that information was given to a local council, because the offence occurred in a council park or an offence occurred on a local government road, I don't think that it would be impossible or untoward for the council to issue that fine. But if you've got a dozen 14-year-old kids playing up and wanting to endanger the lives of pedestrians or the amenity of a suburb or a shared zone, then obviously that would require police. But I don't anticipate this being—it hasn't yet. Let's draw on history for the last couple of years, particularly since COVID, when they've become quite popular. We haven't had gangs of Hells Angels riding around with Scooby-Doo T-shirts on. They're just not there.

**The Hon. ANTHONY D'ADAM:** Can I ask about the question around speed? I think we've had a range of submissions. We heard from trauma experts this morning saying a maximum of 10 kilometres per hour for shared zones; I think 20 kilometres per hour is proposed by some stakeholders for on roads or in designated bike lanes. Do you have a view about the speed aspects?

**DAVID ELLIOTT:** I think I might defer to Dr Finnie on that, because she has worked in local government. But just always assume that, when it comes to local government, they are very, very conservative when it comes to speed limits.

**MEGAN FINNIE:** I'm not aware of any speed limits on existing cycleways or shared paths. I guess the problem that we could face in the future is how do you enforce a speed on an e-bike versus a regular bike and perhaps maybe setting a precedence around that as well. That's really all I can answer on that one.

**The Hon. MARK BANASIAK:** Picking up on the question of enforcement, one of the fascinations we had when you were a police Minister was the mini bikes. We know the problems that caused in terms of police trying to wrangle the young people on these mini bikes and having to call off chases et cetera. Noting your repeated comments of how many of these things—400,000 or 500,000—we've already got out there, is it practical that we would be able to retrofit 400,000 or 500,000 of these e-bikes or mobility devices with this technology that you speak of, which sounds promising, to actually do some of this enforcement for us?

**DAVID ELLIOTT:** Well, government can enforce anything, really. If we're going to introduce a registration scheme, then I would have thought that Service NSW would say, "You're only going to be registered when you can prove that there is a chip in your vehicle."

**The Hon. MARK BANASIAK:** In terms of this mandatory safety test, do you envision that a rider would be pulled up and they would have to produce their Service NSW account to show that they've done the test, if they were questioned?

**DAVID ELLIOTT:** Again, that's not in our remit but I could provide some gratuitous advice and suggest that whoever is riding is going to have their mobile phone with them. So one would assume that your Service NSW app on your mobile phone could show that everything is in order. My main concern—I read one of the submissions from the fire association and looking at the New York experience—is that people will tamper with the batteries. When you tamper with the battery, that's when it's likely to blow up or start a fire. That is the only concern. Local government doesn't necessarily have an opinion on that, other than the fact that no general

---

**CORRECTED**

---

manager of a council or mayor or any community leader wants people put into danger. That's why that matter would need to be regulated.

**The Hon. MARK BANASIAK:** But there would be mechanisms within local council around local planning laws and development laws about how these devices should be stored in apartments et cetera. That could cover some of that off. Isn't that right?

**DAVID ELLIOTT:** I'd have to take that on notice, Mark. I don't see how local government would be in a position to do that.

**The Hon. MARK BANASIAK:** Finally, you've spoken a bit about having to redefine shared space or shared zones. We heard some different points of view about whether or not there should be shared spaces or there should be a separation between pedestrians and people using these e-bikes and e-scooters. If we were to keep the shared spaces, how do you see that redefinition? Is it more improved signage and safety information, which some witnesses today talked about? Is it widening, from an infrastructure point of view?

**DAVID ELLIOTT:** There are a number of ways of doing it. Signage is important, and people need to know that they are in a shared space because you're more situationally aware when you've been given that warning. When I was consulting our stakeholders to put our submission in, the feedback I got a lot was that when you're redefining a shared space and particularly bringing in other forms of transport—whether it be pedestrians, e-bikes or four-wheel drives—the surface of that road can be changed to assist. If you've got pedestrians there and you're also going to have vehicles going potentially 20 kilometres per hour, then you could put road humps in there or you could put those lights that are a lump there, which will deliberately slow e-bikes and e-scooters down. That would require funding, obviously, but it would make a much safer shared zone.

**MEGAN FINNIE:** If I could add to that, there would be opportunities with the marking, with delineation and with raised pavement markers, which is what David was just talking about. There's also an education piece around it as well for the users.

**The CHAIR:** This is the last question, I think. What level of investment—I don't mean dollar figures, but there does need to be a step up, doesn't there, because of the huge increase that you mentioned in these e-mobility devices and the need to get them off footpaths? In New South Wales and Sydney, we don't have that cycling infrastructure. There needs to be a bit of a cultural shift and a shift in the level of investment on active transport infrastructure versus public transport infrastructure. Do you have comments about that from the institute?

**DAVID ELLIOTT:** I'll start and then move to Dr Finnie, because she's an engineer and I'm a mere arts graduate. The reality is that there are lots of cycleways around New South Wales. If the Committee advocated for legislation and regulation tomorrow and the Minister introduced it, there are places where, overnight, we could have e-cycles, e-bikes and cyclists in the same place, legally. I'm pretty sure you've already been told this, but a consideration is we're going to limit the speed of the electronic vehicles, but there's no limit to the speed of the cycles. So be conscious of that. I'd hate to see you in a position where you had to regulate the speed of pushbikes just because you were regulating the speed of the e-cycles. That would be nuts, but that's going to be there.

Whatever design we come up with, which is going to be world's best practice shared zone, we need to consider the fact that there are going to be e-bikes at 20 kilometres an hour, cyclists up to 50 kilometres an hour and pedestrians at—what do they walk at now?—four or five kilometres an hour. Our appeal to the Committee is to consider the fact that there would need to be fresh new investment, whether that's a million dollars to Strathfield council to make sure that they're fit for purpose, or \$10 million to the entire northern beaches of Sydney so that they're fit for purpose. Who knows? I think you'd need to do an audit first. We'd need Standards Australia to go out and tell us what the expected standard is and then we would need to go to local government—and to the State Government, because there are plenty of lands owned by State Government that are going to be in the situation that they have to change, amend or improve their roadways as well.

**MEGAN FINNIE:** Just to add to that, the network would need to be looked at to find out where the gaps are because you have on-road cycleways, you have off-road cycleways, you have shared paths and you have footpaths. So it would be a matter of understanding where that is across the network because you could have an active transport network which runs from one place to another, but it could be a mix of all of them, and you'd need to understand what you'd need to do to make that safe for all those users. And that's probably where the audit would come in, too.

**The CHAIR:** That is very useful, and a good place for us to end because we are out of time. Thank you for your submission and for making yourselves available today. I think you agreed to take some things on notice. The secretariat will be in touch with you about that, and if the members have any supplementary questions.

**(The witnesses withdrew.)**

---

**CORRECTED**

---

**Mr LACHLAN McLEAN**, Head of Business Development, HelloRide, affirmed and examined

**Mr SIMON WANG**, Head of Global Expansion, HelloRide, affirmed and examined

**The CHAIR:** I welcome our last witnesses for today's hearing. Do either or both of you have a short opening statement?

**LACHLAN McLEAN:** Good afternoon, Committee members, and thank you for the opportunity to speak today. I'd like to discuss not only the current state of micromobility but also the opportunity we have to shape a forward-looking framework for New South Wales. We are not just designing this framework for today; we are laying the foundation for the future. The micromobility industry continues to evolve with new innovations, advancements in technology and enhanced safety measures. This gives us a unique chance to create a regulatory environment that is adaptable, collaborative and future-focused. This framework must be holistic, addressing key elements such as safety, infrastructure, emerging technologies and, of course, parking. It should enable seamless first- and last-mile transport connections for riders while setting the stage for future growth and improvements.

As the industry has evolved, operators have reached a similar baseline in technology for safety, parking and footpath riding. This shifts the conversations towards elevating programs to a higher level through a variety of strategic improvements. We believe that a well-structured regulatory framework combined with a supportive platform that allows operators to thrive while enabling local councils to mandate specific requirements is the key to delivering best-in-class programs and services for the community and visitors to New South Wales. This approach also empowers operators to focus on improving parking solutions and generating economic benefits, from activating the night-time economy to enhancing transport diversity for users to start and end their trips conveniently and safely.

Since entering the bike sharing market in 2017, HelloRide has rapidly grown to become a global market leader through our strong execution and focus on safety. To date, we have expanded our operations globally to over 500 cities, with 750 million registered users. That has contributed to a reduction in carbon emissions by 250,000 kilotons, demonstrating our commitment to promoting clean and sustainable mobility. Most of our points today pertain to shared e-bike programs, though many of these considerations also extend to e-scooters and private devices. A key distinction between shared and private devices is the ability of operators to enforce riding conditions through technologies like geofencing, enhanced safety through helmet provisions, constantly improving hardware and education users via targeted safety campaigns.

Within our submission, we have provided a number of recommendations. I would quickly like to reference two. The first is centralised regulation. We recommend that Transport for NSW take a central role in operator selection and oversight. Centralising regulation at the State level through a consistent operator application process would ensure high safety standards, minimise clutter and enhance the rider experience. The best regulatory settings are those that enable the community to fully leverage micromobility for their daily needs. These settings should support first- and last-mile transport, connecting riders to bus stops, train stations, events, local businesses and other key locations. This is the ultimate goal.

Second are infrastructure improvements. When we talk about infrastructure. There are two primary elements that we focus on: bike lanes and then parking. We recommend the inclusion of bike lanes whenever possible and to prioritise their integration into all new road development projects and, additionally, to continue the ongoing implementation of bike lanes in cities to ensure that e-bikes and other micromobility devices have the necessary infrastructure to operate safely and effectively. We acknowledge that this should be in consultation with all relevant business and key stakeholders for various reasons.

For parking, one critical aspect we have identified is the perception of shared micromobility programs. Despite their success in terms of thousands or even a million trips completed in various cities, there is often a misconception between a successful program and the optics of improperly parked devices. This challenge arises because micromobility is a new form of transport that must adapt to existing conditions, whether related to infrastructure, roadways or other mobility devices. There isn't a one-size-fits-all solution for parking in micromobility. The built environment, initially designed for cars and later adapted for bicycles, now needs to accommodate e-bikes and e-scooters. A key starting point is to establish on-street parking solutions that provide dedicated spaces for these devices. When combined with existing parking technology, this approach can lead to significant improvements.

We have seen numerous pilot programs addressing my two least favourite words "littered" vehicles and "dumped" vehicles by transitioning from free-floating models to geofence designated parking models. Over time, these evolve into more structured set-ups with ground decals guiding users to park correctly. We are now entering a phase where operators are using technology like beacons to address GPS drift and enhance parking accuracy at

---

**CORRECTED**

---

locations. Continued collaboration and support from both State and local governments is crucial in establishing these dedicated parking locations. This signals to operators that cities are committed to supporting micromobility, motivating us to invest in infrastructure upgrades. For example, we are currently working with Transport for NSW on a shared e-bike parking pilot to integrate services with public transport and improve poorly parked e-bikes around stations. We are also currently working with the City of Sydney on a similar pilot.

I emphasise our commitment as a global operator deeply dedicated to our local operations here in New South Wales. Over the past two years we have invested significantly in our e-bike program in Sydney. We are committed to further investment to enhance our products, operations and technologies. We believe that this continued investment, coupled with our extensive global experience, enables us to deliver high-quality services to the shared mobility industry, creating lasting benefits for the local community and stakeholders for New South Wales. Thank you again for the opportunity to contribute. I am happy to take questions you may have.

**The CHAIR:** Thank you for that opening statement. Talking about the issue of parking in particular, one of your recommendations—and you are not the only organisation to have made this recommendation—is about micromobility parking every 200 metres. What is your answer to where that would be? What type of space? For example, we could look at parts of Sydney but, if you are operating in any regional centres like Wollongong and Newcastle, where are the best places for that, every 200 metres? Is it on the road or is it different spaces?

**LACHLAN McLEAN:** I think there is no one-size-fits-all approach to this. The 200 metres has come from numerous research papers that have said any member of the public that has to walk further than 200 metres to reach a mobility device, the chance of them actually taking that device decreases. In reference to these on-street parking locations that we recommend, this will obviously take time and it can't happen every 200 metres in a city. Anywhere that there is the right space for infrastructure that we can bolt on or provide this space for devices, that's what we recommend. Anywhere that there isn't, we can still overlay our current technology to make sure that these stations are within a city.

I will note that some of these stations, if they're in high-priority locations, they will have 20 devices. Some of these stations might have two devices, or none at all. When I say "stations", they're virtual stations on an app where users can park. When we move towards on-street parking, we really want to determine these locations—and there is a lot of data out there; programs have been in Sydney for quite a while—where people are starting and ending their trips quite frequently. I think that's the key element that we want to look at.

**The CHAIR:** Do you do e-scooters anywhere or just e-bikes?

**LACHLAN McLEAN:** We currently just do e-bikes, but we have an e-scooter and we are currently looking to introduce our first e-scooter soon.

**The CHAIR:** Talk us through the insurance that your company goes through and whether there have been any problems with that or whether there could be improvements in that space?

**LACHLAN McLEAN:** In terms of the finer details of our insurance policy, we can take that on notice; I can't comment. What I can comment on is that everyone that rides with us signs up to the terms of service and our riding rules. They must sign up to those riding rules. Once they sign up, they are covered by our private and third-party insurance. We do pay hefty premiums to maintain this insurance. I understand there has been conversation in regards to third-party accidents that do occur, potentially, on our devices. We track our devices. We know where they are. There's technology that most operators have to identify these locations. They have IDs; we have the ability to track these devices. From our point of view, we work closely and investigate any incident that occurs and then work with our insurance providers to ultimately provide the information that they need.

**The Hon. ANTHONY D'ADAM:** Do you cover young people? Does the insurance cover children?

**LACHLAN McLEAN:** Part of our terms of service is you have to be over the age of 18 to ride a device.

**The Hon. ANTHONY D'ADAM:** So you don't allow children to use the devices?

**LACHLAN McLEAN:** To sign up to our terms of service to ride the device—generally, anyone who is signing up has to have a credit card. Children generally don't have a credit card.

**The Hon. ANTHONY D'ADAM:** But adults can obviously—

**LACHLAN McLEAN:** Yes, it comes through a big education piece to ensure that if there is anything happening on the streets, or anyone under the age of 18, that we try and educate. We issue suspensions, warnings and outright bans to anyone that is breaking those rules.

**The Hon. ANTHONY D'ADAM:** What about helmets? How do you enforce helmets? Not wearing a helmet obviously voids the insurance cover?

---

**CORRECTED**

---

**LACHLAN McLEAN:** Yes, it is part of our terms of service, the helmets.

**The CHAIR:** Do you provide, when people sign up, a welcome email with clear road rules when your insurance doesn't kick in, for example, if you don't wear a helmet? Or is it all kind of buried in the fine print, if you like?

**LACHLAN McLEAN:** No, absolutely not. Education is key, core and critical for everything that we do. Safety is obviously at the front of every conversation in regards to micromobility. When they sign up, it runs them through these rules. They have the ability, and we will push them to other locations to read these rules. From there, we have numerous contact points with these users following their first ride or other rides in regards to the riding rules, educating them on safety et cetera. It's a constant process. The education piece for us is massive.

**The CHAIR:** Just on notice, if you could provide the Committee with what that looks like in terms of the documentation that would be useful. I will go to Mr Banasiak.

**The Hon. MARK BANASIAK:** Can I also ask you to provide on notice those details around the insurance product, particularly the third party? Obviously there is a personal injury case that detailed that e-bikes aren't considered motor vehicles so therefore aren't covered by CTP or third-party insurance—just to get a gauge of what the insurance product actually is. I guess the other question, picking up from Mr D'Adam, is that you spoke about needing a credit card to engage the service. Does that include debit cards? Most people in the absence of a credit card will use a debit card. It functions much like a credit card in terms of being able to tap and whatever else.

**The Hon. ANTHONY D'ADAM:** Kids have debit cards.

**The Hon. MARK BANASIAK:** Yes.

**LACHLAN McLEAN:** I'd have to take that on notice.

**The Hon. MARK BANASIAK:** Obviously more kids would have debit cards than credit cards.

**LACHLAN McLEAN:** Absolutely.

**The Hon. MARK BANASIAK:** In terms of the helmets, I handed back a Lime helmet yesterday to Lime and I noticed similar issues with your helmets.

**The CHAIR:** Where is it? Where's your HelloRide helmet?

**The Hon. MARK BANASIAK:** The blue helmet?

**The CHAIR:** Yes.

**The Hon. MARK BANASIAK:** I couldn't climb the tree; it was up too high! How much are you spending on replacing helmets, just out of interest? I should've asked Lime this as well. How much are you investing in the replacement of helmets?

**LACHLAN McLEAN:** This year, around 10,000 we've introduced.

**The Hon. NATALIE WARD:** Helmets or dollars?

**LACHLAN McLEAN:** Ten thousand helmets at around \$9 to \$10, so it is a significant investment.

**The Hon. NATALIE WARD:** Australia-wide or just in Sydney?

**LACHLAN McLEAN:** Just in Sydney.

**The Hon. MARK BANASIAK:** How do you track when a helmet goes walkabout given that these things don't have RFID tags in them?

**LACHLAN McLEAN:** At the start of the trip, there will be a helmet. Once they start the trip, they'll be prompted to accept the helmet; you can't start the trip without it. You put the helmet on and then you return the helmet. The biggest problem is theft. A helmet just sitting on the street or if a user doesn't lock the helmet back in, then it is taken. It is a problem, as you can tell.

**The Hon. MARK BANASIAK:** The bikes that you have out there that don't have helmets attached to them right now, can they still be engaged and ridden just by simply saying, "I've accepted the helmet," even though the helmet's not there? Or are they just dead devices just sitting there?

**LACHLAN McLEAN:** I'd have to take on notice the actual parameters around that. They all should have a helmet; that's the reality. In terms of the flow after that, I can take that on notice and provide that.

---

**CORRECTED**

---

**The Hon. MARK BANASIAK:** Yes, just any details around how quickly you guys respond to missing helmets would be handy.

**LACHLAN McLEAN:** We're proactive on it. It is a big cost to the business. Yesterday Lime I think said they've had 30,000 helmets introduced this year alone. It's something we're looking to obviously improve. People need to ride with helmets. We're firm believers in helmets. They need to be on devices. There is technology that is emerging that was discussed through RFID. Is it scalable? These are the things that we really need to look into but we are proactive.

**SIMON WANG:** We're also working on a few things to promote the usage of helmets. For our users, one thing we're working on is we will let the users take a selfie with their helmets on and when we receive that, we'll give this particular rider or user some free minutes.

**The Hon. NATALIE WARD:** Can I follow up on that though? If there is a bike or a scooter without a helmet, are you saying your user can operate that device? There is nothing to stop them riding that without the helmet?

**LACHLAN McLEAN:** I'd have to take that on notice in terms of the logic. I've personally been with HelloRide for three or four months and just need to make sure the information I provide is correct.

**The Hon. NATALIE WARD:** Mr Wang?

**SIMON WANG:** Same here. We do recognise the helmet problem here. As operators, what we're doing is we just keep ordering new helmets and ship it to Australia.

**The Hon. NATALIE WARD:** Sure. I'm less interested though—don't take this the wrong way—in the business model and the cost to you. I'm more interested in the rider and the safety for them. They can operate one of these right now, as they could a normal private bicycle, I guess, if they wanted to. But I thought there was technology to ensure that it was attached or that they couldn't operate it. One of the upsides of your share bike arrangements is that you have the ability, as I understand it from my limited knowledge, of some technology to say you can't start it without having the helmet or taking that picture. But you're telling the Committee that at this stage you're either not sure about that or you'd have to check whether it can be operated even if you're not wearing that helmet. Is that correct?

**SIMON WANG:** If these are regulations we can enforce this. Let's say there's a regulation saying that if there is no helmet, the user should not be using this vehicle. We can comply with the regulation in the future.

**LACHLAN McLEAN:** The technology is there.

**The Hon. NATALIE WARD:** That's a different thing.

**LACHLAN McLEAN:** That technology is there, but I need to double check in regard to—

**The Hon. NATALIE WARD:** Okay. In terms of the collection of bikes and helmets, there's been some information about baskets in bikes being used as rubbish dumps and the management of bikes. How are you dealing with that?

**LACHLAN McLEAN:** We have 24/7 operations that service the fleet in the city. As part of the process of them moving around the streets, they should be replacing helmets, they should be clearing baskets, they should be sanitising these devices, and they should also be doing a roadworthy check to make sure they are suitable on the street. All of these things are part of their daily activities. There are going to be occurrences with the fleet sizes. Rubbish will end up in baskets, but we absolutely address this and do what we can to remove the rubbish.

**The Hon. NATALIE WARD:** So that's not a burden on councils?

**LACHLAN McLEAN:** Absolutely. I think that it's definitely on the operator to service the fleet and provide a service that is suitable for the community.

**The Hon. NATALIE WARD:** That is locally employed staff that do that for you?

**LACHLAN McLEAN:** Ten to 15 staff, I'd say. It really fluctuates seasonally and based on fleet size.

**The Hon. NATALIE WARD:** You can take it on notice, if you'd like, about how many people you've got out doing that and allaying those concerns from the community.

**LACHLAN McLEAN:** I'd say about 10 to 15, but it fluctuates. It's a big operation that's 24/7. Bikes move. They topple. They get parked incorrectly. If we have an event in town, they move around the town pretty quick. There is a lot of work that goes into the operations and making sure that we provide a service to the city that is suitable.

---

**CORRECTED**

---

**The Hon. WES FANG:** I've really only got one question that comes out of some of the evidence you just provided. In relation to helmets, can you use your own helmet?

**LACHLAN McLEAN:** Absolutely.

**SIMON WANG:** Of course.

**The Hon. WES FANG:** Where the bike has a helmet attached to it and you use your own helmet, do you just leave the helmet attached to the bike? Does it impede the rider in any way if you want to use your own helmet instead?

**LACHLAN McLEAN:** I'll take on notice the actual back-end mechanics, but usually we promote people bringing their own helmets. We find that people like to bring their own helmets for various reasons. Usually, there is the ability for them to acknowledge they have their own helmet to continue on their ride.

**The Hon. WES FANG:** I'm just making the observation that, maybe, somebody has a little bit of OCD and wants to bring their own helmet. If they don't, how often do you clean your helmets? You can imagine that it can potentially be somewhat of a health risk should they go too long without actually being serviced or sanitised.

**LACHLAN McLEAN:** Yes. As I've said, we have 24/7 operations that service our devices. When they touch them, I think they're probably getting sanitised more often than a lot of amenities in the public. We do service our devices. We do move around and do all we can to provide the service that we need. At this point in time, I think we're complying with what we need to do there.

**The Hon. ANTHONY D'ADAM:** You operate in Singapore. Can you tell us a bit about the regulatory environment in Singapore and whether there are any lessons that we can learn from the Singapore experience?

**SIMON WANG:** Currently, we're the second-biggest operator for share bikes in Singapore. We believe our operational team has been doing the job quite well. It just happened a few weeks ago. Our fleet size was increased from 10,000 bikes to 15,000 bikes. I'm pretty sure you know that in Singapore the regulation is very strict, so it shows our ability to operate in this market is guaranteed.

**LACHLAN McLEAN:** We've had a number of conversations, because I'm quite interested in a bigger sized fleet and how we can use learnings from Singapore. I think the important thing to note is that it's bikes, not e-bikes, in Singapore.

**The Hon. ANTHONY D'ADAM:** Oh, I see.

**LACHLAN McLEAN:** I had a similar learning process. Because they're bikes, the actual process is a little bit different. They are still controlled through GPS, and there's a lot of them. They have quite a lot of similar technology in terms of parking, et cetera, but it is bikes. It sort of changes the dynamics of those conversations.

**The Hon. ANTHONY D'ADAM:** How does Singapore regulate the parking question?

**SIMON WANG:** For Singapore right now we have designated parking. Also, we're using another approach, and we probably saw that in Australia before as well. The riders have to take a picture of the vehicle and return the bike to the restricted areas or parking spots.

**LACHLAN McLEAN:** With Singapore, the amenities that are there—in some locations it's quite well developed; others are not. Where you find a lot of e-bikes are those locations where it is suitable for users to ride. The technology Simon mentioned is dedicated. They have dedicated infrastructure; they use geofence technology. They then do overlay a QR code technology that is bolted into the ground. When you finish your trip, you scan that QR code, and that obviously has a geofence around it. It has been tested in Australia, not necessarily bolted, but through decals. There are many factors that work and don't work. The learnings that we've taken is that beacons or permanent infrastructure is the way we probably need to go, because it not only provides a location of where to park but helps with the GPS drift and all these other conversations.

**The CHAIR:** Thank you both so much for appearing today. Thanks for your submission and your evidence. They have been very useful to us. The secretariat will be in touch with you about the questions you took on notice, as well as any supplementary questions we may have.

**(The witnesses withdrew.)**

**The Committee adjourned at 15:55.**