

REPORT ON PROCEEDINGS BEFORE

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

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

UNCORRECTED

At Jubilee Room, Parliament House, Sydney on Thursday 31 October 2024

The Committee met at 8:45.

PRESENT

Ms Cate Faehrmann (Chair)

The Hon. Mark Banasiak (Deputy Chair)

The Hon. Anthony D'Adam

The Hon. Dr Sarah Kaine

PRESENT VIA VIDEOCONFERENCE

The Hon. Wes Fang

The Hon. Natalie Ward

The Hon. MARK BANASIAK: Welcome to the third hearing of the Committee's inquiry into the use of e-scooters and e-bikes and related mobility options. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Mark Banasiak and I am stepping in as the Deputy 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 so 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.

Dr RICHARD J. BUNING, Senior Lecturer, UQ Business School, University of Queensland, affirmed and examined

The Hon. MARK BANASIAK: I welcome our first witness. Thank you for taking the time to give evidence. Before we go to questions, would you like to make a short opening statement?

RICHARD BUNING: I am a senior lecturer at the University of Queensland Business School, mostly as the research lead for the UQ Micromobility Research Cluster. I'm also board director for Bicycle Queensland. I've devoted my entire 15-year academic career to studying cycling and now micromobility. Today I'm bringing you two of the most comprehensive pieces of research conducted in Australia on e-scooters to date. These were conducted in Brisbane, which is the first city in Australia to have e-scooters. The first is the report that I tabled to you in advance. We conducted a comprehensive study on perceptions and experiences of e-scooters for Brisbane City Council in 2023. We spent six weeks on the streets in Brisbane, randomly intercepting nearly a thousand people and asking them about their opinions, and then followed up with interviews. It was the first of its kind.

We spoke to tourists, residents, users and non-users. We found that, for tourists, micromobility was the preferred way to explore and experience the destination. It was convenient, sustainable, affordable and easier to use than other transport modes. Most importantly, it was a memorable experience and for many it was the best part of their entire trip to Brisbane. It allowed tourists to see more and do more, visiting all the nooks and crannies of the community, while spending their money more widely across local businesses they would otherwise miss. The tourists were left with a more positive, vibrant, green, clean and active image of the city. Even most of the non-users we spoke to still held highly positive views, as they enjoyed how micromobility gets people out of cars and into the community while acknowledging the benefits to others.

The second was not tabled. With a team of scholars from the University of Queensland, commissioned by the Queensland Department of Transport and Main Roads, we've recently conducted the largest observational study on e-scooter behaviours in road rules compliance to date in Australia. Focused on the Queensland November 2022 road rules changes for personal mobility devices, the report is forthcoming, but I'll give you some of the key findings now. The research utilised observational data captured from traffic cameras, and analysed through machine learning, at eight sites across the Brisbane CBD, urban suburbs and outer suburbs over the course of two years in October 2022 and October 2023, resulting in over 200 hours of traffic video and 600,000 behavioural observations.

What we found was there was little to no change in road rules compliance after the road rules changes. Simply enacting new road rules changes did not invoke any behaviour change. Of the 50,000 observations of bikes and scooters from each year of the study, 20 per cent of those were scooters, so about one-fifth.

The good news is that helmet use is improving. Up from about 60 per cent in 2018, it was around 83 per cent generally in 2023. E-scooter riders are more likely to be wearing a helmet if they're on the road, in a general traffic lane, in a bike lane or in a separated cycle track compared with them being on the footpath, which has the lowest helmet compliance. A higher share of private e-scooter riders do wear helmets compared to public scooters generally. On the footpath, about 76 per cent of all private users and 71 per cent of public users wore helmets. For bike lanes, cycle tracks and on the road, 87.7 per cent of private users wore a helmet and 76.9 per cent of public users wore a helmet.

Scooter speed for private scooters is increasing. We saw an average speed of 17.83 kilometres an hour in 2022 and 18.93 kilometres an hour in 2023. Generally, the speed limit compliance is quite low, though, especially on footpaths. Compliance in general traffic lanes, bike lanes or separated cycle tracks was 93 per cent for public users and 75 per cent for private. That's a 25 kilometre speed limit in Queensland on roads and bike infrastructure. On our footpaths, we have a 12-kilometre speed limit, where compliance was incredibly low at 52 per cent for both public and private users. Only 52 per cent of the users were compliant with that 12-kilometre speed limit. Speed compliance did increase with urban density and was the highest in the CBD. We think this is likely due to pedestrians, street furniture and pavement defects slowing people down.

Those wearing a helmet do ride faster, and those wearing a full-face helmet do ride the fastest. Great news, though—separated cycling infrastructure really does work. It produced road rules compliance directly. When riders had the choice between a footpath, a bike lane or a cycle track, fewer riders chose the footpath and were more likely to comply with the speed limit. In fact, 87 per cent of the public e-scooter users were on the footpath when no cycling infrastructure was present. Almost all of them were on the footpath when no cycling infrastructure was present, but when a cycle track was present, only 14.9 per cent of e-scooter riders were on the footpath. When riders had a choice between a footpath and a cycle track, even fewer riders chose the footpath. Generally, private users are one-third less likely to use the footpath compared to public e-scooter users.

Just a few points to wrap up. From our study 1, e-scooters and e-bikes are a win-win for tourists, for the local community and for the tourism industry. From study 2, road rules creation does not simply produce compliance behaviours. We really need robust education, signage and enforcement. It would be great to have national unity for road rules and safety standards across the country, especially for tourists. Education, I believe, begins with the retailers of the devices for private vehicles and the providers of public schemes.

I urge you to please consider the diversity of users, from the daily commuter to the international tourist and everyone in between; the varied types and qualities of roads, footpaths and infrastructure; and, most of all, the modern user experience for both private devices and public devices. We have to ask ourselves how users will know whether they can ride in a bike lane or not when they approach a road. We can use a combination of technology, policy and infrastructure to combine the range of challenges to fully embrace the range of benefits. We still need further research. I encourage you to fund independent research of e-scooter use. Thank you so much for having me. I am happy to take your questions.

The Hon. MARK BANASIAK: I might try to get my head around the Queensland experience. In terms of the public scooters and bikes, or the shared bikes, do they have any technology in place that insists on helmet use or supports greater uptake of helmet use, like some sort of kill switch so that you cannot ride these things without helmet use?

RICHARD BUNING: That's a great question. We do. It could be better. It could be better enforced. Originally, when the public devices were unleashed in 2018, helmets were just hanging on the handlebars, and they ended up everywhere. They were floating down the river; they were everywhere. In early 2020 they introduced a bluetooth helmet lock, so now the helmets can lock to the devices. Those locks have even gotten better over the years. Now, the apps prompt users to use them. I believe that prompt could be pushed a little bit further and harder on users, and also reminding people that, if they aren't wearing a helmet, they're breaking the law and are subject to a \$250 fine if they get caught not wearing one. It does encourage them. I think that encouragement is a bit light, though, in the app technology.

The Hon. MARK BANASIAK: You talked about the compliance not being that great initially, with the road rules changing, but then you saw an increase in compliance. What do you put that increase in compliance down to?

RICHARD BUNING: I think it's highly related to the bluetooth helmet lock associated with the e-scooters. Before the locks, the helmets were locked onto the e-scooters and required the users to opt into using it to unlock the helmet. Many times you'd find a scooter that does not have a helmet with it because they weren't connected to it at all; they'd just be hanging on the handlebars or sitting nearby. As you could see, they'd be all over the city because of that. That innovation really came from Brisbane City Council investing in them and having two different providers compete against each other to produce better technology—better equipment. I think it was largely related to that. I don't think, from our research, it necessarily had to do with the road rules changes because the helmet use did not change; it was always mandatory.

The Hon. MARK BANASIAK: The other thing I'm grappling with is, in terms of infrastructure, whether you go to a majority shared path or shared zone approach, or you have a separation of pedestrians and e-scooters, e-bikes and whatever other devices. What's the Queensland experience with that? You threw up a couple of figures there about compliance in different lanes, and it seemed to me you were indicating the separation of the two was a positive.

RICHARD BUNING: The positive I was saying is when we have—we looked at the study we did about transportation on main roads. We looked at different examples. We looked at a footpath and just a general traffic lane, a footpath and a bike lane, and a footpath with a separated cycle track. We made comparisons about where people were riding and how fast they were going and whether or not they were wearing helmets based on those infrastructure types. If a bike lane exists, increasingly, a lot more people are riding in the bike lane than on the footpath, and complying with the speed limit. If a cycle track exists, or a separated cycle path, even more so: Only about 15 per cent of people are riding on the sidewalk at that point. When there is separated cycling infrastructure, people use it. It makes them really no-brainer ways to comply with the speed limit.

The Hon. MARK BANASIAK: Outside of a footpath, does Queensland have shared zones where you have pedestrians and cyclists?

RICHARD BUNING: Yes, we do.

The Hon. MARK BANASIAK: What's the experience there in terms of interactions, conflict and accidents?

RICHARD BUNING: It's a good question. In some areas, in our tourist areas, we do have pedestrian-only zones in shopping centres—in Queen Street Mall and things—where you can't ride a bike or a scooter at all, whatsoever, in our pedestrian-only and certain high-traffic areas. In shared zones, like around our South Bank area, where we have a lot of tourists, public scooters are slowed down through geofence, which works really well in that area because it's not in an urban canyon where GPS is limited. The devices are slowed down to 12 kilometres an hour.

The Hon. MARK BANASIAK: That's the shared—

RICHARD BUNING: The shared path where pedestrians and everyone are mixed together.

The Hon. MARK BANASIAK: But that's the shared scooters—the public scooters.

RICHARD BUNING: Correct.

The Hon. MARK BANASIAK: The geofencing doesn't work for the private scooters, so you could potentially have a private scooter hooning around South Bank.

RICHARD BUNING: That's right. It would be up to their own willingness to comply with the law.

The Hon. WES FANG: Thank you for appearing today. I have some questions about compliance issues. Is it the fact that people are not compliant because they're unable to get the information? That is, where there's a speed limit, are they unable to read on their device readily that they're doing a certain speed, or is it that the device doesn't have a speedometer and, therefore, that's why they're exceeding the speed limit, or is it that it's hard to read while they're riding and that's another reason why there might be a compliance issue?

RICHARD BUNING: That's a great question. I think the primary reason people are not complying with the speed limit is because they have no idea what it is, and they're confused about what it is in the place that they're riding. When it comes to private devices, they're largely unregulated in Australia. Whether they have a speedometer or pneumatic tyres or suspension or a wide platform, it doesn't really matter in terms of the purchaser. So organisations are trying to inform people, when they're buying them, of safety things to look out for in buying them.

Some of the shared devices do have a speed limit—a speedometer on the handlebars. Others do not. The shared devices are speed limited by geofencing, but that geofencing technology at the moment does not work sharply enough to detect someone on a footpath next to a road or a bike lane, that close, especially in an urban area. Some of the providers are trying to add cameras and they're trying to definitely work on improving this and to make them comply. You can't have large geofenced areas of a city where an entire area of a city would be limited by speed.

The Hon. WES FANG: Did you do any research in relation to the attitudes of riders that were perhaps found to be noncompliant with speed limits? Was it the fact that they wanted more signage so that they would be aware and would be following the rules, or were they basically just having such a good time that they didn't really care how fast they were going?

RICHARD BUNING: The study we conducted for transportation on main roads was purely observational, so it gives us a really unbiased sample of basically everyone that came past our eight different locations and sites. We didn't get an opportunity to ask them specific questions about whether they knew what it was. I think for the footpaths they primarily do not know that the speed limit is 12 kilometres. I struggle to understand where they would get that information. I know there has been a rich social media campaign when the road rules changed in November 2022. But, other than that, there is no signage associated with telling them what the speed limit would be on sidewalks or footpaths or even on roads. Even the shared providers of devices, the information that they provide the user is quite vague when it comes to this. It doesn't say specifically for most of them that you need to obey that 12-kilometre speed limit on footpaths. It will just say usually generic messages, so something like, "Please comply with your local road rules."

And the same point—now you can buy e-scooters at JB Hi-Fi, Bunnings, so many different locations, scooter shops that are popping up all over the place online. Those retailers don't have any mandate or anything like that to inform people what the road rules are. If you go to JB Hi-Fi—I took a picture of a sign the other day. It was just a warning sign that says, "Obey your local road rules." It doesn't say what they are, what the penalties are, where you can and can't ride, how fast you can ride. I think it's a bit of a disservice where we're blaming people that are riding e-scooters. They're supposed to know what these rules are, but I don't think we've done a good enough job of informing them what they are.

The Hon. WES FANG: And it's fair to say, too, that you've got different jurisdictions with different rules, in effect. You could be on the border of, say, Queensland and New South Wales at one of these retailers

and you could buy a scooter and you could go across the border and ultimately have different rules. That's part of the problem, isn't it?

RICHARD BUNING: Yes, absolutely. The speed limits, where you can and can't ride, varies greatly across Australia. I think it's quite a detriment to everyone. I was just at a transport conference last week and one of the speakers got a ticket for riding on the footpath in Victoria, where you can't, and then you come up to Queensland where you can, so quite problematic. On another level of that, international tourists visit Australia and the places that they come from could be far more advanced in this space, in adoption of e-scooter use and where you can and can't ride—and having that confusion. We can't even decide whether we want to call them e-rideables, personal mobility devices, e-scooters and such.

The Hon. WES FANG: Dr Buning, is it perhaps the case then that, whilst we're doing this work at a State level, work has already occurred in other States on this issue?

RICHARD BUNING: Yes.

The Hon. WES FANG: We've got the circumstance now that we've got the disparity between a number of jurisdictions. Is it really worth following a different path in New South Wales? Do you think we're better off adopting another State's model, either entirely or in part, or are we perhaps better off to lobby the Federal Government to unify the issues across the States? I think it has been very clear across a number of centuries when you have different jurisdictions working on different issues, it's how you end up with some cars in some parts of the world being left-hand drive and right-hand drive. You've got different gauges in different States for trains. We're at that point now where we've got jurisdictions across the country doing different things. If we perpetuate those differences, it's always going to be difficult to have a unified set of rules when international people come here—and that's ultimately something we want to do. It's a great tourist attraction, to be able to use an e-mobility device around a city.

RICHARD BUNING: Yes, that's right. I wholeheartedly agree that we need to have unity across the country around road rules for e-scooter use, personal mobility devices, e-rideables or whatever you want to call them. It just adds a big layer of confusion across the country. You could be riding an e-scooter in Coolangatta on the Queensland side of the border, on the sidewalk, and then you go across and, all of a sudden, you're breaking the law. The problem with the road rules is they don't really match with the modern user experience. When someone is riding an e-scooter and they approach a road that has a bike lane on it, they're not going to look at the speed limit of the road. They're going to go, "There's a bike lane—that's a safe place for me to ride. I don't want to be on the sidewalk where there are all these defects and there are pedestrians that I have to dodge. I'd like to be in cycling infrastructure." Many of the road rules say that you cannot ride on that bike lane, but that's not what the infrastructure tells you.

The Hon. ANTHONY D'ADAM: I want to just clarify a couple of things that your evidence has raised for me. The first one is about the relative arrangements for pushbikes versus scooters. In Queensland you can ride a pushbike on the path as well?

RICHARD BUNING: On what kind of path?

The Hon. ANTHONY D'ADAM: On a footpath.

RICHARD BUNING: Yes.

The Hon. ANTHONY D'ADAM: So it's lawful to ride a pushbike and lawful to ride an e-scooter on the footpath?

RICHARD BUNING: We had these road rule changes in Queensland; most of them had to do with where you could or couldn't ride and how fast you could ride. The changes that happened in November 2022 essentially made it so they were the same as bikes, where you can ride.

The Hon. ANTHONY D'ADAM: I wanted to ask—you talked about helmet compliance—whether you had any information or data about comparative helmet compliance for pushbike riders versus e-scooter riders and, if there is a significant difference, why you think that is?

RICHARD BUNING: That's a great question. I didn't mention that in my opening address, but helmet compliance for cyclists is incredibly high. It's around 97 per cent for all users. It's slightly lower on footpaths. I think that's primarily just because if someone is perhaps riding a very short distance on a footpath, they may not put a helmet on. But it's incredibly high for cyclists—almost 100 per cent.

The Hon. ANTHONY D'ADAM: Why do you think that difference is?

RICHARD BUNING: I think it's related to the type of user. E-scooters are so much more accessible than bikes. There is a huge barrier when it comes to riding a bike. Knowing how to ride a bike is quite a substantial barrier for many people, whereas e-scooters just have this accessibility and ease of use. They are smaller, easier to park and easier to navigate around urban areas for most people, whereas a bike is a big thing. Also, we saw very high helmet use with private users. If you're riding your own private scooter, you've probably left from home wearing your own helmet, and the same thing would be with a bike: If you own your own bike, you're likely to have your own helmet when you leave home.

The Hon. ANTHONY D'ADAM: So the helmet compliance issue is really one for the shared schemes. Ultimately it's not a private user problem; it's more of a shared scheme problem.

RICHARD BUNING: Yes, correct. Helmet compliance is almost 90 per cent for private devices. It's much more a concern for the public shared devices.

The Hon. ANTHONY D'ADAM: You talked about the issue around knowledge of the road rules. There are various models that are available. You talked about purchaser or user education at the point of purchase of the device. Often it's not the user who is purchasing the device. You might have a parent buying for a child. What other avenues could we look at in terms of user education?

RICHARD BUNING: To me, it really starts with the retailer. That's the first point of purchase, wherever it is. If you look at a similar model, look at how we sell drones now in Australia, all of the drone rules are clearly—if you go to the JB Hi-Fi website, there is this drone safe mandate immediately on the website when you go to buy one. I think that's the first place, or the providers of the shared devices. Second to that, social media might help, but I think street signs and signage. We need to really make the education for this quite basic, simple and really easy. If we make it difficult or you need to go onto a transport website and read several bullet points, that's just really never going to reach most users. It doesn't match with the modern user experience. People use e-scooters primarily because they're convenient and they're easy. Arguably, they're the most convenient and easy way to get around a city. Adding some layer where they have to go onto a website that they don't even know exists, and the first point is to read really complicated road rules, is really difficult. The simplest ways we can educate users is through signage. First, the retailers and providers is the easiest point of educating the users.

The Hon. ANTHONY D'ADAM: We heard evidence yesterday from trauma specialists. They might be easier to use but they also carry a degree of risk. Shouldn't we license users so we can also educate them not just about compliance with the road rules but also making sure they use the devices in a way that is safe for themselves and others?

RICHARD BUNING: There is an argument to license the specific device—you know, when you buy a device, it has a thing. I think one opportunity that does provide, perhaps, is that you could increase enforcement, potentially, if the device had some sort of number plate and you could be automatically recognised if someone was speeding and such, similar to cars. It's quite a burden on police to enforce speed and helmet use and such. There is an opportunity. The shared devices do already have a registered number plate on them that the providers use to locate and identify the devices. It is an option. I can't fully comment on how laborious that would be to pull off.

The Hon. ANTHONY D'ADAM: You mentioned that, where there's dedicated infrastructure, most users use the dedicated infrastructure. But there is still a reasonable proportion—I think you said 10 or 12 per cent—who still ride on the footpath. The evidence we have heard about people riding on the footpath is that it is when the user doesn't feel safe. But if there's dedicated infrastructure, that argument doesn't apply. Why do you think people—that 12 per cent—would still be using the footpath in that circumstance?

RICHARD BUNING: It's important to note that the cycle track they were looking at was in the Brisbane CBD. It was the CityLink Cycleway, which goes right through the middle of the busiest parts of the city. It's primarily, I think, because they could be accessing those businesses along the way, they could be making a delivery to one of those businesses, they could be going an incredibly short distance—a block or two—or they could have been riding just around the corner. We had stationary cameras at different sites so we weren't necessarily following the users along the path to see how long they were on the footpath, necessarily. They just went past these stationary sites, and we captured them on the footpath, compared to being on the bike lane. I think it is primarily related to it being in an urban CBD area, and they were probably accessing local businesses, shops, retailers and such.

The CHAIR: Did it come up in your research—because it came up in the last couple of days—about e-scooters being inherently dangerous? People have talked about going over potholes and people going over, and that they should be longer, fatter, with bigger tyres, and a few things like that. Has that come up and do you have any recommendations in terms of how we would regulate the type of e-scooters available?

RICHARD BUNING: I don't have any specific research to that point. I can only comment on my exposure and involvement in this industry. I do greatly think we need safety standards for the devices. The number one accident is the small front wheel hitting a curb, obstacle or pavement defect and people falling forward and hitting their face on the pavement. Larger front wheels, tyres with air in them—pneumatic tyres—wider footpaths and suspension all really, really help those things. The problem is that really cheap e-scooters don't have those safety pieces. It's quite a comparison with public devices. The original public devices we saw in 2018 were quite basic but now, due to investment, councils investing in them and keeping them around, and having multiple providers competing against each other, the providers have had to improve the safety of their devices. Now the most modern devices by all the major providers—Neuron, Lime, Beam and so on—have a lot of these safety features. They have a bigger front tyre. Many of them are adding air to the tyres, a wider footboard, suspension, better brakes and things like that, which really do improve the safety of them. But for someone looking for a really cheap way to get to work or school and buying a \$200 e-scooter off Amazon or Bunnings and so on, it may or may not have those types of safety features.

The CHAIR: In terms of your comparison between e-bikes and e-scooters, and people indicating a preference for e-scooters in terms of a shared scheme, I haven't seen this in the questions but I feel like it is a factor and was wondering if it was. Particularly for women who are out, what they're wearing makes a difference in terms of whether they're willing to get onto a bike or not, compared to an e-scooter. It's very easy to jump on an e-scooter if you're in a dress, short dress or short skirt. It's much more difficult for a bike. Did that come up? I do feel like that is part of the reason why e-scooters are a bit easier if you're out and about on a night and need to get from A to B.

RICHARD BUNING: That's a great question, thank you. From the research we did with Brisbane City Council in April 2023, we looked into this issue. First off is that one of the benefits of riding an e-scooter compared to being in a car or on public transport is you can get out of a situation that you don't want to be in. You have autonomy over your mobility. A lot of people feel safer in that regard because of it. But on the ease of use and what you're wearing, they're less active than riding a bike. In Brisbane we have a tropical climate. It's also very hilly. It can be quite sweaty to ride a bike around. If you are wearing your work clothes or that type of thing, riding e-scooters is simply going to be a bit easier on your commute. For cycling, we often have to fight for having end-of-trip facilities so people can take a shower when they get to work and change their clothing and things like that. If you're riding an e-scooter, that commute might be a little bit less sweaty and onerous on your wardrobe.

The CHAIR: We're out of time. Thanks so much for your making yourself and your research available. It was really interesting for us and very valuable for the Committee. The Committee secretariat will be in touch if Committee members have any further questions for you or if you took anything on notice.

(The witness withdrew.)

Mr JEREMY FEWTRELL, AFSM, Commissioner, Fire and Rescue NSW, Australasian Fire and Emergency Service Authorities Council, sworn and examined

Ms AZIZA KUYPERS, Policy Adviser, Australian Council of Recycling, affirmed and examined

Mr GUIDO VERBIST, General Manager, Revolve ReCYCLING, affirmed and examined

Mr FRED TUCKWELL, Chair, Owners Corporation Network of Australia, before the Committee via videoconference, affirmed and examined

Mr DAVID GLOVER, Board Member, Owners Corporation Network of Australia, affirmed and examined

The CHAIR: Let's kick off this next session. Welcome to our next witnesses. I think all of you will have a short opening statement to make. We might start with the Owners Corporation first.

FRED TUCKWELL: Good morning and thank you for the opportunity to provide evidence. The Owners Corporation Network is focused on helping apartment owners and residents. In relation to this inquiry, the overarching priority is to create a better, cleaner future that electrical vehicles help to provide. We like to focus on that better future. In that context, the really scary data is the impact of climate change, bushfires, floods and the massive cost of more frequent events. Sensationalist media and advised opinion is overstating the fire risk of lithium ion batteries. Fire and Rescue NSW data shows that battery fires are far less frequent than other fires. In 2023 there were 4,500 household fires from about 3.5 million households and just 285 lithium ion battery fires from about 35 million devices, which is a very conservative estimate.

Half the household fires are caused by cooking, so is a stove a fire risk? No, but misuse by leaving the stove unattended is. Is a clothes dryer a fire risk? No, but misuse by not cleaning the lint filter out is. Similarly, a battery is not a fire risk, but misuse is—misuse by modification, leaving unattended while charging, using the wrong charger, or damaged cells. CSIRO scientist Adam Best points out that the overall increase in battery fires is in line with the huge and growing number of devices. The reported increase in micromobility fires does not compare with the volume of fires caused by the misuse of stoves, heaters and clothes dryers. While shock reporting is good to get attention, we believe that proper consumer education, not fear, is key to reducing the risk and, thus, the incidents of fires. Some call for bans on micromobility but, in reducing such a small fire risk, this would also lose the benefits of a sustainable, efficient and viable means of transport.

To play our part in education and risk mitigation in apartment buildings, OCN has presented webinars, compiled information, developed policies and attempted by-laws for owners' corporations to help manage this risk. Along with the ACCC and CSIRO, we continue to advocate for better regulation. We congratulate NSW Fair Trading for leading the way with new regulations relating to micromobility that take effect from February 2025. This will help consumers buy better products and help end dangerous imports. The Government has stopped short of legislation to ban modifications. However, we will continue to advocate for such bans and to educate consumers on the risk. Don't put your life at risk by playing with any lithium ion batteries or chargers. This is a case for shock tactics.

AZIZA KUYPERS: As stated, I'm the policy adviser at the Australian Council of Recycling, or ACOR. We represent the resource recovery, recycling and re-manufacturing sector. Our membership is represented across the entire recycling value chain, including leading organisations in container deposit schemes operations; kerbside recycling; recovered metal, glass, paper, plastic, organics, tyres, textiles, oil, battery and electronic product processing and re-manufacturing; along with construction and demolition recovery. These are organisations who have invested in recycling operations in Australia. Our mission is to lead the transition to a circular economy in Australia.

On behalf of ACOR, we welcome this opportunity to comment on the opportunities and requirements for e-mobility devices at end of use, which includes the priority of safe collection for either reuse, recycling or safe disposal. ACOR and member organisation Revolve ReCYCLING are focused on improving the management of e-mobility devices at the end of their life cycle. As the technology scales and becomes more widespread, it is crucial to establish requirements to ensure effective repair, reuse, recycling and disposal processes.

E-mobility devices present social and environmental opportunities. However, the batteries involved also pose safety risks at end of use for the waste and recycling sectors. I should say at this point that batteries are very safe, but they're not designed to go into waste and recycling facilities. Everything that shouldn't happen to a battery happens in waste and recycling facilities, particularly recycling facilities. They get wet in bins, they get crushed in trucks and they get driven over by front-end loaders on MRF receiving floors, so they should never go into kerbside bins.

Research by ACOR and the Waste Contractors and Recyclers Association of NSW revealed this year that there are between 10,000 and 12,000 fires and heat events a year across Australia's waste and recycling system as a result of incorrectly disposed batteries and consumer electronics, which contain embedded batteries. Alongside significant infrastructure losses, recycling workers' safety and lives are at risk. We can't emphasise enough how concerned our members are at the potential loss of life by these incorrectly disposed of batteries.

Our major priority is expedited delivery of comprehensive extended producer responsibility and regulation for all consumer electronic products, including batteries from e-mobility devices, and to fully fund safe collection and, where possible, reuse and recycling underpinned by a deposit scheme to strongly incentivise safe disposal of batteries. While the product stewardship scheme B-cycle has some e-bike and e-scooter batteries within its product scope, most drop-off points are not suitably equipped to receive e-mobility batteries. Guido might be able to speak to that further. The scheme is collecting only 14 per cent of in-scope material. A targeted collection rate must be supported by a detailed delivery plan developed in consultation with the waste and recycling sector where the remaining 86 per cent of in-scope batteries are ending up.

The costs of collecting, transporting and processing e-mobility batteries are significant. Product stewardships arrangements often lack incentives for consumers to return items to away-from-home collection points that often result in poor recovery rates. A successful model to consider is container deposit schemes which provide a refund for the return of beverage containers. The risk to health and the environment from improper disposal of batteries are not deterrent enough or not widely enough understood to motivate most community members to seek safe disposal options. Container deposit schemes effectively align economic incentives with environmental goals. Applying a similar approach to battery disposal would significantly enhance safe disposal practices.

The CHAIR: Thank you, very interesting. Mr Verbist, do you have anything to add to that?

GUIDO VERBIST: Sure. Revolve ReCYCLING has been established with the objective to be the primary platform in Australia to help bike riders, bike shops and fleet operators to give new life to their old bikes. Since its inception in '21, we have diverted more than 10,000 bikes from landfill and redeployed more than 3,000. The rest have been disassembled for spare parts and metal and rubber recycling. The volume of e-bikes and e-scooters we collect and process is growing rapidly, together with the alarming evidence that the usage, collection, storing and recycling of e-bike batteries is dominated by irresponsible and unsafe practice.

There is no doubt in our minds that e-bikes and e-scooters are part of the micromobility solution in the same way as an ordinary pushbike is. They also make public transportation more accessible by dealing with the last-mile connection. However, due to their popularity, e-bikes and e-scooters come in a variety of models and qualities, and the battle for market share pushes the manufacturers to introduce substandard quality e-bikes, and batteries specifically. This is one of the two leading factors for why so many fires are happening with e-bikes and e-scooters.

Most batteries are designed without proper insulation or fire-retardant casing of the cells inside the battery. When one cell gets damaged and overheats, they all overheat and create a thermal runaway, which can be compared with a series of fireworks which you can't stop easily and have to let burn out in a controlled fashion. The second factor that increases fire risks is the high cost to store, transport and recycle the batteries in a safe and responsible way, which has resulted in most stakeholders dodging their responsibilities. E-bike and e-scooter owners, and a portion of bike shop owners, don't think they should cover that cost, and they chuck them in the general waste.

Most manufacturers, except for Bosch and Giant, refuse to contribute to a recycling scheme, let alone invest in reusable batteries. B-cycle, which was mentioned before and which is the product stewardship scheme for batteries, is not equipped to collect the volume of e-bikes, and definitely not the heavy, above-five-kilo batteries nor those that are non-removable from the bikes. The price of private companies like Ecobatt, which charge to collect batteries, is very high and beyond what bike shops and bike owners want to pay. To assist bike shops with diverting their batteries—in addition to their rubber and metal—from waste streams, we are partnering with the NSW EPA on the delivery of a waste audit and minimisation service for all bike shops in New South Wales, under the name Green Wheels.

This Green Wheels program has given us the unique insight of how these batteries are treated and are frequently mixed with general waste. In response to a request from the NSW EPA, we have submitted a new proposal for the introduction of a safe and responsible battery recycling program, which we hope to roll out in the coming year once it is approved. It will involve an education part, the creation of a market mechanism and the infrastructure to store and collect those batteries. I'm asking you to support this proposal.

The CHAIR: Thank you very much. Finally, Mr Fewtrell?

JEREMY FEWTRELL: Thank you, Chair. I'm here today representing Fire and Rescue NSW and also AFAC—the Australasian Fire and Emergency Service Authorities Council—which is the peak body of fire and emergency services in Australia. As an operational response agency, Fire and Rescue takes a technology- and energy-agnostic approach while recognising the importance of alternative energy in the transition to more sustainable energy systems. Fire and Rescue highlights it is critical to understand and manage the risks associated with their use to protect the community, firefighters and our infrastructure.

The uplift and expansion of these resources and technologies creates inherent safety risks and unprecedented challenges for firefighters and emergency services, as well as an increased demand for services and specialised response. Fire and emergency service organisations need much greater community awareness of incidents involving lithium ion batteries and micromobility devices, which includes safe handling and use on transport. The approach Fire and Rescue is taking to address the rapid adoption and associated risks of alternative energy, including lithium ion batteries, spans across three pillars: Protecting the community, protecting our firefighters and protecting New South Wales infrastructure.

Fire and Rescue NSW is working with industry across Government and academic stakeholders on the following actions and priorities: Promoting regulation and standards on lithium ion battery products, expanding community education and awareness, investing in Fire and Rescue NSW led research, and uplifting Fire and Rescue's capabilities and operational response. Fire and Rescue NSW and AFAC have raised concerns in a number of forums that the associated safety considerations for the implementation of lithium ion batteries and the rapid adoption of micromobility devices requires greater attention to ensure all risks are adequately considered and addressed now and into the future.

The rise in the number of products and applications utilising the battery technology around the world has been met with a steady increase in battery failures, resulting in thermal runaway events and fires that are challenging for fire and emergency services, are sometimes tragic for the victims, and pose significant risks to the community, buildings and associated infrastructure. Lithium ion batteries are most prevalent in micromobility devices such as e-bikes and e-scooters and small portable devices such as laptops, mobile phones and power tools. Micromobility batteries are portable and can be taken into homes, workplaces and onto public transport. When these devices undergo flammable runaway, they can release large amounts of toxic and flammable gases rapidly and often then ignite, leading to rapidly developing fires.

I'll provide some statistics to you. This year Fire and Rescue NSW, up until the start of October, has attended 240 lithium ion battery related incidents, 71 of those relate to e-mobility devices. Over the year to date—again, to the start of October—we've had to evacuate 721 people from incidents involving lithium ion battery fires, 326 of those were to do with e-mobility devices. This year to the start of the October, we've had 22 injuries from fires involving lithium ion batteries in those devices, 10 of those injuries were directly related to e-mobility devices. Tragically, we've had two deaths related to lithium ion e-mobility devices. We have found that incidents involving lithium ion batteries mean that people are up to four times more likely to experience an injury than any other fire type, with a rate of 11.4 injured persons per 100 incidents compared to 2.8 injured persons for other fire incident types.

We're seeing a significant increase in the number of these incidents, with a 66 per cent increase year on year in the numbers that we're attending. In a breakdown of battery incidents attended between 2002 and 2023, it was found that 72 per cent of e-micromobility incidents occurred in a residential or accommodation setting, 8 per cent occurred in a commercial setting and 12 per cent occurred on a public roadway or open space. We are committed to ensuring the safety of firefighters and the public by supporting adequate regulation and prioritising research to inform prevention and education, and to prepare our people for any response.

Fire and Rescue has invigorated its historical partnership with the Insurance Council of Australia to explore collaborative initiatives and achieve solutions for community safety and industry resilience. Fire and Rescue has established a policy leadership forum with NSW Fair Trading, the NSW Environment Protection Authority, and we're bringing in other government partners, to drive and support regulatory change and community awareness and education, and provide a coordinated, consistent approach across government on key priorities and requirements. We're also working closely with Transport and the Building Commission, given the risk in relation to public transport and the built environment. Fire and Rescue supports NSW Fair Trading in the implementation of the declaration of lithium ion battery powered e-bikes, e-scooters, e-skateboards and hoverboards as well as their batteries and chargers as "declared electrical articles" under the Gas and Electricity (Consumer Safety) Act 2017.

Fire and Rescue continues to work closely with New South Wales government agencies and industry stakeholders to ensure its training and responses cater to changes in alternative and renewable energy technology hazards. Fire and Rescue NSW is also committed to delivering research designed to better understand the issues

and risks related to lithium ion batteries and to assess the efficacy of mitigation and response measures. To this end, Fire and Recue is leading a collaborative research program into the Safety of Alternative and Renewable Energy Technologies, or SARET. That ongoing research will assist us, our partner fire agencies and other government departments in New South Wales in actively supporting the safe integration of mobility options to promote active transport in New South Wales. We can only achieve this with adequate resources and investment for research, equipment and training. Fire and Rescue NSW and AFAC will continue to take a precautionary approach and remain committed to community and firefighter safety.

DAVID GLOVER: I have nothing to add.

The CHAIR: That was all very interesting—a lot of excellent information from all of you for the Committee's deliberations. I will go to you, Mr Fewtrell, to begin with. With the statistics that you just provided around the 240 lithium ion battery incidents, you said 71 related to e-mobility devices. Roughly, then, that's just under 30 per cent that relate to e-mobility devices. Generally, what are the others, in terms of lithium ion?

JEREMY FEWTRELL: The other ones include things—and in the largest category it's increasing. Previously, e-mobility was the highest category in that. It's just been overtaken by small portable devices, whether that's consumer products or phones—that sort of thing. The other one is energy storage system or portable chargers, those sorts of devices. The other sort of category—very low levels—are EV and hybrid vehicles.

The CHAIR: The 66 per cent increase year on year—that other statistic—was that specifically for e-mobility devices or was that all the lithium ion batteries?

JEREMY FEWTRELL: The lithium ion battery incidents in general, yes.

The CHAIR: This is a State committee. I think there are a few Federal regulatory issues that need to be dealt with as well. Is it the case that, for example, with e-bikes and e-scooters, if they're bought with good lithium batteries from reputable providers and not tinkered with, they're a lot safer generally, or is there an issue that all lithium ion batteries at some point can be inherently dangerous, in your experience?

JEREMY FEWTRELL: There is an inherent issue with the chemistry of a lithium ion battery that it is prone to combustion. Once that ignition occurs, as we've heard, that thermal runaway can occur. The advice we've been giving to the community has been consistently around choosing reputable brands and good quality products because our experience is that decreases the likelihood of having issues with it. It doesn't necessarily ensure or guarantee that it won't. Any lithium ion battery, even if it was exposed to the air or if it was punctured in some way, whether it was deliberate or unintentional, that battery would then ignite. Similarly, if any battery, whether good quality or not, was dropped accidentally or experienced some sort of shock, that can then lead to issues. It is important to note—and this was a point that Mr Tuckwell raised in his evidence—that it is only an issue if batteries are being misused. That's not the case.

We do have plenty of examples both where fires have occurred because of abuse or misuse of the battery, but also plenty of examples of no apparent misuse or the battery was being used entirely appropriately but there still has been an issue. Just a few months ago we had a young boy riding to school on an e-bike. While he was sitting on the bike and proceeding on his way to school, it caught fire underneath his body. So it does show that there are some serious issues there. That's why the work that NSW Fair Trading has been doing making those declarations and starting to put in place requirements for product safety standards is so important, because that will make the industry have to reach those levels of performance. It helps us to give the community confidence and it helps the consumers to have that level of assurance and confidence with the products that they're purchasing and then using.

The Hon. MARK BANASIAK: I have one question to you, Mr Fewtrell, about the additional challenges that lithium ion fires cause firefighters, including the extra equipment or costs that are incurred by you when dealing with these fires. If you could give us some details about the added challenges and costs associated.

JEREMY FEWTRELL: The most immediate one is the rapid development of fires when they occur from lithium ion batteries. That obviously impacts occupants' ability to escape safely. It can then often mean that our firefighters are having to undertake rescues of people where otherwise they might have been able to evacuate under their own steam. The fire is much more developed by the time firefighters arrive on scene than it would have been otherwise. We currently contain 86 per cent of our fires to the room of origin. That's a statistic that I think speaks really highly of what our people do. I think that's going to be challenged as these fires occur because it's more likely that they'll go beyond the compartment of origin.

The fires can be more intense, so there's a difficulty in putting them out. And the actual batteries themselves, when they are burning, have a continual reignition problem. If they knock it down, they then need to take extra steps to take it out of the building, normally then immersing it in a bucket of water or a similar container.

Then there's the ongoing management of that. We also need to make sure that we find all the individual cells of the battery. As a battery pack breaks up in a fire, often there'll be an explosion. There'll be battery cells, which are similar to AA- or AAA-size batteries, that get projected all around the room. It's important that we recover all those because then each of those individual ones has a reignition risk as well, so you can spend some time doing that.

The other cost, and it's a cost to our organisation, is in terms of the impact on the equipment that we use, particularly our personal protective clothing. We're starting to look at the nature of the contamination that comes out of these batteries and what decontamination and cleaning is required, and what's the impact on a life cycle of our protective clothing. Finally, there's just the general clean-up. There's some very nasty chemicals that come out of those batteries when they disintegrate and break down when they experience a fire. It's important that occupants and building owners are properly cleaning and decontaminating the buildings before they're reoccupied.

The Hon. WES FANG: I've just got a number of short questions. Mr Tuckwell, we've had owners' corporations give us evidence previously about their fear in relation to the risk of fire from these batteries. It seems to be your evidence is contrary to that. How would you come up with your determination? Have you engaged with experts? Have you sought advice from battery experts and commissioned any reports, or is it just research that's been done by your organisation?

FRED TUCKWELL: No. Definitely, we engage expert organisations—the Electric Vehicle Council and there's an expert company commissioned by the Department of Defence, EV Fire Safe, which is a specialist, well-respected company. They do fire testing. Most of it relates to electric vehicles, but nevertheless it's unavoidable to get involved in the issues of e-mobility type fires. I reiterate the point that was made before. I understand the fire commissioner's perspective on this, but the research from CSIRO and ACCC, particularly Adam Best within the CSIRO, is that the general increase in fires is in line with the number of batteries that are out there. When you consider the incidence of power tools, watches, everything—there's millions of these things out there and they don't just catch fire. There is something that happens that causes them to catch fire, and that's what the research shows.

The Hon. WES FANG: Mr Tuckwell, you'd agree, though, that where you have a small number of devices, the risk is lower. With the increase in the number of devices, whilst the frequency of issues may stay the same—as in it might be one in 100,000—just the sheer increase in the volume and number of devices means that it is a greater risk. The commissioner's point is correct, is it not? The evidence that you're providing is contrary to what the commissioner has said. I think, anecdotally this Committee's heard evidence that the commissioner's position is correct. I'm just trying to get to the bottom of how you've come to your determination. You'd agree that the numbers are increasing and, therefore, the risk is increasing?

FRED TUCKWELL: The numbers are increasing. The risk is increasing, but the numbers that were quoted—250 out of 35 million—versus the incidence of household fires, those sort of things, an instance of thousands out of a couple of million. It is consistent with a whole range of numbers. There were issues, you might recall, years ago with iPhones being brought onto airplanes and the same rationale. Then what happened is that the industry got together and resolved these problems, so you no longer have to declare or have an issue with your iPhone on a plane. It's just, as it grows, the incidence and the research behind it increases. I have no concern at all with the position—the fact that the lithium ion fires are dangerous. There's no question about that, but it's all about education and risk mitigation versus throwing the baby out with the bathwater. That's the point that I'm making.

The Hon. WES FANG: I'd be interested to see the reports that you said you've got from those experts. Are you able to table those? You can email it to the secretariat. I'm curious because in that instance where you were talking about the iPhones previously, it was more the case that the incidents of fire were reduced through advancements in technology and manufacture, therefore the incidents of fires dropped. What we're talking about here is the same frequency of fires. The volume of batteries going up; therefore, the number of fires is increasing. That's a different example.

FRED TUCKWELL: In answer to your question, the research is specifically the number of fires caused by misuse and damage, which is the major point that I'm making here. I'm sure I can get that from EV FireSafe. It is very hard to get this data, you'd be aware.

The Hon. WES FANG: Yes.

FRED TUCKWELL: I'll try to source it and bring it back.

The Hon. WES FANG: I will turning to recycling now, because I know we've got some witnesses here and this is actually probably one of the biggest issues we'll face with these devices. In terms of the way in which we dispose of and manage recycling of batteries, we know that the disposal of them into the garbage is often part of the problem when the truck compacts it and it causes fire. We've seen an increasing number of fires in garbage

trucks due to batteries. How do we encourage people to understand and know what devices they're throwing away and the risks? It's pretty clear that whilst the Government may know this is an issue, the general public doesn't.

AZIZA KUYPERS: We feel that the first priority has to be making sure that there's a safe collection network in place because there are lots of behaviour campaigns and education campaigns underway by lots of parties—councils, governments, recycling organisations—but without a positive action for where these goods can go, it's going to have limited effect. That's our argument for a fully funded collection network. We understand that the NSW EPA—and you may be able to speak to this, Guido—has now allowed for some batteries to be delivered to community recycling centres; I think it's in the vicinity of about 20 across New South Wales. The scale of the batteries in the community is really the issue. As we've suggested, for away-from-home disposal options there really needs to be an incentive because they generally have very low recovery rates.

The Hon. WES FANG: In that instance, is it the case that the recycling of a lithium-ion battery is cost-positive or cost-negative to the recycler? As in, do the elements within the battery provide a profit to a recycler? Or is it the case that actual act of recycling it is a cost to the recyclers themselves and therefore it's a loss-making exercise?

GUIDO VERBIST: I don't have the exact numbers from, say, Ecobatt but what I do know is that the cost to do it in a safe and responsible way makes it a very expensive exercise and therefore it's not easy to turn that into a financially sustainable model. That's where the whole scheme with B-cycle is falling down to a large extent because there's not enough money to do it in a responsible way.

The Hon. Dr SARAH KAINE: I want to pick up on some of those recycling issues. Am I getting a sense that, for example, textiles is the same issue? We've got lots of textiles to recycle but not enough recyclers. So even if we have these extended responsibility schemes, we don't have recycling capability at the moment that would be able to do it.

AZIZA KUYPERS: No, I think that it's at a bit of a chicken-and-egg argument. Our position is strongly that the recycling sector is keen to take as much volume as we can. Again, they have to be safely disposed of, first and foremost, and from that point, once they're aggregated, we can determine the recycling. Battery metals are infinitely recyclable. They don't degrade through the process. As to the point of the value of recycling, depending on the battery chemistry, it can be a very economically sustainable activity.

The Hon. Dr SARAH KAINE: Currently we don't. We're presuming that the chicken-and-egg aspect will work, with the demand that will create. You might be able to address a couple of things at once. With extended responsibility schemes—we do have them in other industries, for example the tyre stewardship scheme. I've heard evidence from them in another inquiry that an issue with them is that it's not compulsory. We now have Seamless, which is the textiles standard responsibility scheme—also, because it's very new, not compulsory. Do you think that is an issue and that we would need to make something like that compulsory to ensure that we get it happening?

GUIDO VERBIST: It will help if it is mandatory, but I don't think that's the ultimate solution. It's also the design of the batteries that can improve, and the manufacturers should be held accountable for that part of the responsibility—that they design in a way that is safer—and there are ways to do that as well. For the whole life cycle of a battery, there are actually solutions that make them a lot safer. Ultimately, as was mentioned by Jeremy, there is always a risk with lithium batteries; that will never go. But there are design and safety principles that they can introduce into them that can increase them to be safer and also easier then to transport and to recycle. All of that is technically possible; it's just a cost issue.

AZIZA KUYPERS: May I add to that? It's been the experience of the recycling sector that, unfortunately, making a scheme mandatory doesn't necessarily make it an effective scheme. We have issues with the national computer and recycling—I get it wrong, but the NTCRS, I'll say—where a product stewardship scheme has to fully fund the cost of collection and recycling and secure end markets for their recycled goods. Recycling is a re-manufacturing process. Our strong position is that we need a comprehensive, holistic product stewardship scheme for all consumer electronic and electrical devices, many of which contain embedded batteries. They're often rechargeable devices. It's often a lithium battery in that instance. It needs to be a comprehensive scheme in line with European standards, unlike establishing a series of product stewardship schemes which can cherry-pick the scope of the products that are brought within the scheme.

The Hon. Dr SARAH KAINE: That sounds to me like quite a task. What kind of time frame would you envisage? What are the steps? That seems way out in the future.

AZIZA KUYPERS: Yes. It was something that the Australian Government was consulting on, but it seems to have been paused for the moment. We were very keen to see that process picked up again. In the interim, we're just urgently calling for a safe collection network and, once that's in place, a community education program to drive the batteries to those locations.

The Hon. Dr SARAH KAINE: Mr Verbist, you talked about actually putting the onus on producers, and I think Mr Fewtrell spoke about product standards. I wonder, Mr Verbist, if you could talk a bit more about what you mean by ensuring that the producers are doing the right thing and, Mr Fewtrell, about where that process of product standards is up to.

GUIDO VERBIST: I actually have a picture here of one of those batterie when you open it. I can probably circulate it to you. It shows here how they are designed, and all of those individual cells are connected but they're not insulated. There are different standards and qualities in batteries. Bosch, for example, is one of them that does that in the right way. They have each individual cell insulated. When one overheats, it will eliminate that one and it will not be shared with all of the others. This picture is where they then all start exploding, one after the other. As Jeremy was saying, that creates those fires you can't control and can't stop.

So, actually, manufacturers can solve it if they want to do it, but it's the race to the bottom for the cheapest solution that leads to the design of more of those, and 50 per cent of the e-bikes that are now sold are using those kinds of batteries because it's a lot cheaper to design such a battery. It's still within the quality or the standards that are applied, but it's the lowest standard, and it has created an additional risk for the user at all stages of the use—when they charge it, if it's cracked, if it touches something dangerous, when it's in a warm environment or when there's an accident with it. All of those things can have an impact and increase the risk enormously. In fact, there's also evidence that insurance companies are no longer insuring companies that use those kinds of batteries. So there is a growing risk, even from that perspective, that it's becoming an impossible scenario.

The CHAIR: Ms Kuypers, you mentioned European standards. In other countries—European countries, for example—is that a standard into the future? Have they mandated that particular lithium batteries aren't available or shouldn't be sold in their countries? Are there jurisdictions that are doing this better that we can have a look at?

AZIZA KUYPERS: I might need to take that question on notice, if I may. My understanding is not that they're being banned but that there's a funded comprehensive collection that funds the entire recycling supply chain. But I'll take that on notice, if I may.

The CHAIR: You mentioned it's a Bosch battery. Are there jurisdictions that are only allowing certain e-bikes, e-scooters and other devices that meet a particular standard—for example, the battery you were just describing—and not allowing others? That's an obvious step to take. It's clearly a Federal issue for us, but surely other jurisdictions are ahead of us in this?

GUIDO VERBIST: I think that Europe is a little bit ahead and there's indeed—Jeremy mentioned Fair Trading has introduced, for February next year, some more stringent regulations. They come from the European perspective, but I don't have the details now; we can share those later.

The Hon. Dr SARAH KAINE: I just have a very quick question about where things are at with the product standard.

JEREMY FEWTRELL: The details in our product standards are probably for others beyond Fire and Rescue to comment on, but certainly the quality products—some of the reason we get faults where batteries catch fire for no apparent cause relates to the cost of production and the quality of production. Where, as Guido mentioned, people are doing that really cheaply, corners get cut. A small product defect or a small shard or burr of metal within the battery cell will go undetected at manufacture because they're doing it in a cheap way, but that's what then causes the battery to fail—also the level to which the batteries have a battery management system that can control the battery, detect any issues or shut down cells. These are the areas of really specific detail that the standards can continue to develop and go into more requirements for, which will lead to a safer, more reliable product.

The CHAIR: A point of clarification: that battery management system—do you mean in terms of shared bike schemes?

JEREMY FEWTRELL: No. The battery management system is a particular electrical component that sits in the battery pack and manages the battery through its use and also through its charging cycles. It will detect when the battery is sufficiently charged and the charging should shut off. Good-quality products will have that. If someone puts it on the charger, and the battery might be charged in an hour but they leave it on for an hour and a half, that last half hour won't be putting charge into the battery. Lower quality products don't have that.

GUIDO VERBIST: It functions like a fuse, basically, that switches it off.

The CHAIR: Very interesting. Unfortunately, we're out of time. That was incredibly valuable information from all of you. Thank you very much. The secretariat will be in touch with anything you've agreed

to take on notice or if members have any supplementary questions for you. Again, thank you for your extensive submissions as well as the evidence you've given today. It will be very carefully considered by the Committee.

(The witnesses withdrew.)

Ms ALICE BATCHELOR, Senior Systemic Advocacy Officer, Physical Disability Council of NSW, affirmed and examined

Mr ED MORRIS, Chief Executive Officer, Physical Disability Council of NSW, sworn and examined

Ms ELLEN TILBURY, Principal Solicitor, Justice and Equity Centre, affirmed and examined

Ms SHEETAL BALAKRISHNAN, Senior Solicitor, Justice and Equity Centre, affirmed and examined

Mr BRUCE MAGUIRE, Lead Policy Adviser, Vision Australia, before the Committee via videoconference, affirmed and examined

The CHAIR: Welcome to our next witnesses. You can provide short opening statements. We will go to the Physical Disability Council of NSW.

ED MORRIS: While innovations in active transport are generally considered a positive step by the disability community, and particularly in urban areas, there is a lack of cohesion and coordination between councils, government and private companies in the execution of introducing these mobility devices and the regulations of their use. Today people with physical disabilities in New South Wales are being forced into dangerous situations due to e-bikes and e-scooters abandoned on pedestrian pathways. I'd like you to picture this: a wheelchair user having to navigate into a busy roadway where cars may not see them, having to risk their safety simply because the footpath is blocked. This is a story we are hearing far too often by our members and by our broader community. No-one should have to choose between their safety and their dignity on our public pathways.

Some people with disabilities now hesitate to venture out into their communities fearing a dangerous encounter due to footpath inaccessibility. This isn't a rare inconvenience but a serious accessibility and safety issue. In a recent survey conducted by the Physical Disability Council of NSW, almost half of respondents with physical disabilities listed accessible communities as their top concern—the highest-ranking issue overall in that survey. In response to, "What needs to change in the areas you selected?" we had members say, "More needs to be done in making footpaths accessible. Regulations around share bikes and food delivery bikes not clogging up pathways."

Another member of the disability community said, "We need safe, available walkways around sportsgrounds and streets," and "footpaths where no electric bikes should be left unattended". For many people with disabilities, a pathway blocked by a share bike isn't a minor nuisance; it's an unmovable barrier, sometimes preventing access to essential places like work or medical appointments. These shared e-mobility devices have become obstacles that obstruct safe, independent travel for people with physical disabilities, limiting their full participation in community life. The rollout of these devices has seen inadequate coordination between councils in New South Wales and private operators, and the lack of cohesive safeguards has led to e-mobility devices being scattered on footpaths, jeopardising the clear path of travel essential to people living with disability.

We urge that local governments be granted clear jurisdiction over implementing and regulating where shared e-mobility devices can be parked to ensure these devices do not undermine accessible public spaces. Additionally, we recommend that shared e-mobility be incorporated into the Disability Standards for Accessible Public Transport to secure consistent standards and compliance across States and Territories. A legislative and regulatory framework for active transport, co-designed with the disability community, is crucial to address these issues and restore safety and accessibility for everyone.

I'd also just add a couple of recommendations to our submission. We had Transport for NSW release an E-micromobility Action Plan yesterday. While it was flagged that parking of these devices is an issue being looked into, there is no plan to do any consultation with the disability community. I think it's really important that there is representative consultation, particularly across the four key disability cohorts, to safeguard not only the safety of the disability community but all people living in New South Wales.

ELLEN TILBURY: I thank the Committee for the invitation to give evidence today. The Justice and Equity Centre, formerly known as the Public Interest Advocacy Centre, or PIAC, is a social justice law and policy centre that works with people in communities experiencing disadvantage, including people with disability. We have a long history of involvement in disability discrimination complaints and public policy development, including advocating for public transport and infrastructure to be accessible for people with disability. We do this work in consultation with disability advocates and representative organisations like PDCN and Vision Australia.

In terms of our work with e-scooters, we recognise the potential for new forms of active transport to bring substantial benefits to the community, including health and wellbeing outcomes, and reducing the use of fossil fuel burning forms of transport as part of important efforts to stop emitting greenhouse gases. But we also know, through our work, that people with disability experience a range of barriers to access to public places and

infrastructure, and they need to travel in those places where e-scooters and other forms of e-mobility are increasingly being used. Our colleagues at Vision Australia and the Physical Disability Council of NSW outlined some of the specific problems for accessibility and inclusivity in our public spaces which are being experienced as e-mobility becomes more common.

These issues demonstrate the need for a stronger regulatory framework to ensure the safety of all people. We urge the Committee to consider how the continued use of e-mobility can prioritise accessibility for all people. This is a good example of the need to build accessibility and inclusion into policy design at the outset, and to work towards the goals of meeting full inclusion and participation for people with disability, in line with the Convention on the Rights of Persons with Disabilities and our State-level goals. One reason for the need for specific regulation is that existing legal mechanisms, including anti-discrimination laws, are not sufficient to ensure safety of people with disability. For example, the Commonwealth Disability Discrimination Act doesn't adequately protect people, including because there's a lack of clarity about what responsibility different levels of government and operators of devices bear for ensuring accessibility.

The Disability Standards for Accessible Public Transport are also not designed to regulate e-mobility devices and related infrastructure. Even if there's a viable anti-discrimination complaints process, that puts the onus on people with disability to raise deficiencies with the regulatory framework. As we know, that's too late in the process to achieve accessibility and safety. I just note we also highlighted in our submission the importance of ensuring accident compensation measures are adequate to protect people in the event of accidents. The New South Wales Government has a clear opportunity to develop an effective regulatory framework that puts accessibility and safety at the forefront. That should address the clarity around stakeholder responsibility, including councils and operators, to ensure that there are strong enforcement measures for compliance, and to develop the framework in consultation or in co-design with people with disability. We have looked into some measures in other jurisdictions and think there are some lessons to be learned there. There is an opportunity for a proactive, rather than reactive, response to allow this to occur in an accessible and inclusive way.

The CHAIR: Thank you very much. Finally, Mr Maguire?

BRUCE MAGUIRE: Thank you for inviting us to give evidence this morning. I have had the privilege of appearing before quite a few parliamentary committees now, and I always appreciate the opportunity to present the views, concerns and perspectives of people who are blind or have low vision. The introduction of e-scooters, e-bikes and other e-rideables over the past two years in different parts of Australia has caused extreme fear and anxiety in the community that I represent. People are looking to this inquiry with both hope and trepidation: hope that it will pave the way for New South Wales to get it right, whereas some other jurisdictions have gotten things so seriously wrong, but trepidation that it will squander the chance to keep our transport safe and inclusive for everyone.

Vision Australia is the largest provider of services to people who are blind or have low vision across Australia. We support more than 26,000 clients each year through a wide range of services, including library and information, occupational therapy, orientation, mobility and seeing eye dogs. We work collaboratively with other organisations in the blindness and low-vision sector so we can most effectively represent the needs and interests of people who are blind or have low vision. The final report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability challenged us to embrace the root and branch change that is needed for Australia to become a society that is truly inclusive of people with disability, and for a future where, "people with disability live free from violence, abuse, neglect and exploitation, human rights are protected and individuals live with dignity, equality and respect, can take risks and develop and fulfil their potential".

When the commissioners referred to taking risks, they meant that people with disability should be able to do things that come with an element of risk, like trying a new career, starting a small business or getting a mortgage, just like the rest of the community. But what the commissioners do not mean is that if you are a person with a disability, you should have to take a risk every time you step outside your front door to walk down to the shops to buy a loaf of bread, or every time you walk to the bus stop to catch the bus to visit your parents or go to your grandson's birthday party. Yet that's exactly the kind of risk many of us are now facing because of the socially irresponsible and unregulated way that e-scooters and other e-rideables have been introduced in some parts of Australia, without a care in the world for how drastically they would affect the safety and wellbeing of vulnerable groups in our community.

Our submission to the inquiry includes a number of anecdotes and comments highlighting the experiences of people who are blind or have low vision. I am particularly close to one of these because it happened to me. Last year I was at a shop in Alexandria buying a new suit. After I completed the purchase, I went to step out of the shop, but someone grabbed me and pulled me back in. I must admit, I felt a bit annoyed, because I thought they figured that I would trip on the step down to the footpath. I said, "What did you do that for? I know there's a step

there." The person said, "No, if you had stepped down, you would've been wiped out by a bike that was flying down the hill." I had absolutely no idea there was a bike there. It made no sound at all and certainly no sound that I could hear above the level of the background noise. Everything happened so fast, and I didn't really have time to think about it. But later on, I realised that if that shopper with fast reflexes hadn't pulled me back, I might be dead now or, at any rate, seriously injured.

If e-scooters and e-bikes are allowed on regular pedestrian footpaths, then my experience will become increasingly common, and there won't always be someone around to pull a person who is blind or has low vision out of the way. The 62 per cent of respondents to our 2021 survey who said that they had been involved in a collision or near miss with an e-scooter would only increase. The 90 per cent of respondents who said that they feel less safe when they walk outside their houses would only increase. We're not talking about a war zone or a gangster neighbourhood. We're talking about twenty-first century Australia.

We emphasise in our submission that we support innovative transport solutions, and we have included nine recommendations that build on innovation to ensure that people who are blind and have low vision will be safe and free from fear or anxiety when they go outside to move around in the community. But we are very clear that the blithe e-mobility of some must not be achieved at the fearful immobility of others. We can and we must do better than that in New South Wales. As you prepare your report and formulate recommendations to Government, please do your best to ensure that we do.

The CHAIR: Thank you very much for that, Mr Maguire. I'll start with you. Thank you for the recommendations. I want to get your view. Some of what you said—for example, an e-bike or e-scooter travelling very fast down the footpath—is technically illegal now.

BRUCE MAGUIRE: Yes.

The CHAIR: The issue that we have heard over the past two days—and indeed many people are already aware of this—is that the road rules aren't being enforced. But a lot of witnesses have suggested a 10 kilometre per hour limit on some shared paths. Footpaths are potentially different to shared paths, with footpaths being narrower and shared paths making it very clear that they're shared paths. But I think possibly your evidence would be that with a shared path, for people who are vision-impaired, it's difficult or impossible for them to know if it's a shared path versus a footpath. How do you know whether it's a shared path or a footpath? I think we might have lost Mr Maguire. Mr Maguire, are you back online now?

BRUCE MAGUIRE: I am, yes. I'm sorry. It dropped out when you were starting to ask your question.

The CHAIR: I'll try to ask it again very quickly. It's about the difference between shared paths and footpaths. We've had quite a few witnesses suggest that shared paths should be able to have e-micromobility devices on them limited to 10 kilometres per hour. Footpaths being narrower and slightly different to shared paths, people are arguing that e-micromobility devices not be on footpaths. We know that it's illegal to ride an e-bike on a footpath. From your perspective, in terms of vision-impaired people, it's very difficult, I assume, to know whether you are walking on a footpath or a shared path to begin with. Would that be a fair assessment?

BRUCE MAGUIRE: It's certainly challenging, which is why in our recommendations we emphasise two things. Firstly, if we're going to have e-scooters and other e-items on shared-use paths, then those scooters need to be equipped with technology that allows them, for example, to detect pedestrians and that limits their speed when they do detect pedestrians. But the other thing is that there need to be ways in which people who are blind or have low vision can distinguish whether they're on a shared-use path or a regular footpath. For example, that could be a change in surface in the shared-use path or a physical barrier where that's possible—and we recognise it's not always possible—and adequate signage so that people are never in doubt as to what kind of footpaths they're on at any particular time.

The CHAIR: I just have one more question before I throw to my colleagues. I will start with the Physical Disability Council. Is it fair to say that, if we get this right in terms of regulation—there's no doubt that the regulatory environment needs to be improved in many areas—including in terms of provision of infrastructure, making public places more accessible and in terms of footpaths and public places, it could be more inclusive and accessible for people with a disability? If we make it more friendly for the riders and users of e-scooters and e-bikes but also pedestrians in terms of safety, like rider speed limits, and we have separated infrastructure and what have you, it could be a win-win for people, for example, with disability issues and people who are using wheelchairs in terms of access. That is why your voices are so important in this.

ED MORRIS: Yes, Chair, I would agree with that. I think we are currently seeing a situation where people don't necessarily have access to footpaths in particular. If that situation is fixed, then I certainly think it would bolster the inclusive nature of our cities, particularly urban spaces. I would agree.

The Hon. MARK BANASIAK: I have a question to you all. We heard yesterday about a consultative committee about e-scooters and e-bikes that was conducted by the last Government. Were any of your groups part of that group that made recommendations, specifically around speed limits on shared paths?

ED MORRIS: We can take that on notice, but not that I'm aware of.

BRUCE MAGUIRE: I'm not aware of those recommendations. Again, I'd have to take that on notice.

The Hon. MARK BANASIAK: The recommendation was that the speed limit be capped at 10 kilometres an hour, but a briefing was given to members of that group in September insinuating that this speed will now be increased to 20 kilometres. I just wanted to get your groups' opinions on the impact of such an increase in speed to people with disabilities and their mobility and their safety. How would that impact your ability to negotiate shared zones?

ED MORRIS: I think what's really critical here is that there is meaningful consultation with the disability community across the four key cohorts, as I said. The reason for that is that disability is a very diverse space. The needs of one subcommunity can be very different to the needs of another. I sit here today with multiple sclerosis and aspects of intellectual and physical disability, but I would never pretend to stand for other members of the community that I don't have knowledge of. I think, in answering that question, it's probably one that I can't take on face value. It's one that we would undergo consultation around, particularly focus grouping with key disability cohorts. That's what I would recommend to the Committee.

The Hon. MARK BANASIAK: Any other comments from anyone?

BRUCE MAGUIRE: I agree with Mr Morris that consultation is really important. However, I would note that doubling the speed also doubles the potential impact if you get hit by one of these things. If you've got a 50 or 60 kilogram rider travelling on a device and it hits you at 20 kilometres, that's going to probably do more damage to you than if it hits you at 10 kilometres, which underscores the importance of the kind of technology that we're recommending be mandatory for e-scooters. I think if you're looking at increasing the speed, particularly doubling it, the need for that technology becomes even more critical.

The Hon. MARK BANASIAK: A few of you have spoken about being proactive rather than reactive in regulation. Given we are essentially reacting because these things have been on the market for quite some time now, and given that we're trying to legalise it now, what would that proactive regulation look like for your groups? What would you like to see in that proactive regulation? I guess even on notice and some dot points and some must-haves.

ED MORRIS: I'm happy to speak to that briefly first. I think there are a couple of things. We will take it on notice as well and come back to the Committee. But, for example, at the moment in the Public Spaces (Unattended Property) Act, the onus is really put on the individual and providers over where the e-mobility devices are parked. We're seeing that that's not working, so the reactive approach of putting the onus on the individual and providers at least is not being enforced as it currently stands.

The first thing, I'd say, is there needs to be improvement around that framework. The second suggestion would be, as I said earlier, the importance of consultation and really asking not only the physical disability community but the intellectual disability community, and the psychosocial and neurodivergent community what this actually looks like to make it safe for all people living in New South Wales. Coming back to that point earlier that I referenced around Transport for NSW bringing out the action plan and there not being any stipulations around consultation, I think that's a really critical part of getting ahead of safety concerns and getting ahead of complaints, and actually speaking to the people that have an intimate understanding of how their safety is being implicated. In terms of getting on the front foot and becoming more proactive, that would be the primary suggestion I would make.

The Hon. WES FANG: Mr Maguire, yesterday I had the chance to speak with a walking, cycling and kayaking group. I asked them a question about the fear of some of their members that they may get mowed down whilst they're on a pathway or a shared pathway. I suggested to them that, in the same way now that some manufacturers with EVs are putting in speakers and making sure that a car makes an audible noise as it's active and moving, the same might be required of e-mobility devices whilst they're moving to provide people who are older or have low or poor sight the ability to hear them coming. Do you think that would be of assistance in the circumstance that you spoke about, or is it that you're just not expecting it and, therefore, regardless of the noise, it would actually be a risk?

BRUCE MAGUIRE: That technology is one of the technologies that we think is essential. It doesn't solve all of the problems, but it certainly makes those devices audible when they are otherwise inaudible. The near-silent nature of these devices currently is one of the biggest components in the field they generate for people

who are blind or low vision. We're not saying it's a sufficient technology in and of itself but it's a necessary technology, we believe.

The Hon. WES FANG: Do you know of any other technologies that would provide somebody who's vision impaired or elderly with a pre-warning that there is a device that's in their sphere of influence, as in it's around them and it may actually interact with them, other than just an audible sound or for people who are hearing impaired something like LED running lights? Can you think of any other ways that we can try and make the moving items more safer?

BRUCE MAGUIRE: One of the things that we talk about in our submission is the technology that can be fitted to the devices themselves, for example, to detect pedestrians using infrared cameras and that kind of—and also technologies that limit the speed of devices when they are in an area known to be frequented by pedestrians. Not all companies have that technology, but we know that that type of technology exists, and some companies at least are experimenting with it. That kind of technology takes the onus away a little bit from the pedestrian and puts it back on to the device itself. One of the challenges with these things for pedestrians is, say if you've got an app that detects devices—and there are some apps that will detect devices in the environment—by the time it's detected it and transmitted that information, the device is on top of you.

The Hon. WES FANG: Yes. Do you think it's important that we actually shift the onus away from the pedestrians and the hearing or vision impaired to the actual device and device users themselves?

BRUCE MAGUIRE: I certainly think that's critical. We're certainly not against innovative transport solutions, but if we do want these innovative transport solutions as a society then we have to invest in the infrastructure and the technology to make them safe for everyone. Separate infrastructure so that you're separating pedestrians from these devices as much as possible and technology in the devices to limit the dangers that they pose to pedestrians.

The Hon. WES FANG: Given that this technology is emerging—as in, it's not mature yet and certainly in the experimental phase—do you think that licensing of riders for both e-bikes and e-scooters is something that we should be rolling out in the first instance to make sure that riders are educated and aware of the risks that they pose to people that are hearing and vision impaired?

BRUCE MAGUIRE: We would oppose introducing e-scooters until that technology is mature enough. In the meantime, we certainly think that all e-scooters should be registered so that riders can be clearly identified.

The Hon. WES FANG: So you think that should be mandated?

BRUCE MAGUIRE: Yes.

The Hon. ANTHONY D'ADAM: I've just got one question, and it's broadly for the panel. It's generally accepted that the greatest threat to pedestrians is actually motor vehicles. We've heard evidence that where users of e-devices are on a footpath, they're doing it because the roads aren't safe. In terms of the deliberations of the Committee, what we're trying to grapple with is the relative risk. If we force these riders onto the road, we know that's going to result in more fatalities and more catastrophic injuries. If we allow them to ride on the footpath, obviously there's an attendant risk for people with a disability. How do you think we as decision-makers should be appraising and balancing those relative risks? Obviously, no-one wants people with a disability to be put in dangerous situations, but by excluding these devices from shared spaces you effectively create another set of risks and another set of hazards that are going to have serious consequences for those users. How do we balance those competing interests?

BRUCE MAGUIRE: The first comment I would make is that when we're assessing risk, it's not just the physical risk of injury that we've got to think about. It's the psychological risk—the fear and anxiety that is stopping people from leaving their houses. That's just as much of a risk that has to be factored in. The second thing is we're certainly not saying that e-riders should be forced onto the road, because that's obviously dangerous for them. However, we are saying there is no reason they should be on a regular pedestrian footpath. They don't have to be on a pedestrian footpath. Certainly, on shared-use paths we recognise that there is considerable pressure for e-riders to be in those spaces. That's why we think that technology is so important—to mitigate the risk in those situations. But we don't believe that they should be on a regular pedestrian footpath that you walk down when you're going to the shops or going to the bus stop.

ELLEN TILBURY: I might add to that. In terms of balancing those interests, I think what all of us are recommending is a comprehensive policy, legislative and regulatory framework that does consider all of those aspects and puts in place the most appropriate measures to be able to facilitate both the use of e-mobility devices and the safety of pedestrians and people with disability. If you start from principles of inclusive design and work with people with disability who know those risks, then you can appropriately address those through the different

mechanisms that we've discussed today. That includes the infrastructure questions about how you make it safe for riders of e-mobility devices as well so that there isn't that need to encroach onto pedestrian footpaths.

ED MORRIS: I'll very quickly add to that as well. I certainly appreciate some of the challenges associated with finding that balance. There are some recommendations, though, being put forward that could work around that slightly—for example, having designated parking areas for e-bikes and e-scooters. That's a really significant challenge for the physical disability community, because they're trying to get down the footpath but when they can't do so, they sometimes have to veer onto the road. That part of it could be managed, in a way, through a regulatory framework that wouldn't impede the safety of other people in New South Wales as well. I think there's a middle ground depending on what the issue is, but I certainly appreciate that complexity.

SHEETAL BALAKRISHNAN: Could I add to that a couple of points, one being what Mr Morris just raised in terms of parking. I'm not at all suggesting that this is a comprehensive or necessarily inappropriate thing for the Committee to be looking at, but in our research we noted that the Queensland Government has developed an e-mobility parking plan, which we understand is off the bat of those accessibility issues and ensuring that public spaces are accessible and inclusive. It's a really comprehensive plan that shows that they've developed that plan as part of a working group comprised of a variety of stakeholders, including the disability community and disability representatives. That might be something that the Committee wishes to look into further.

The other point that Ms Tilbury made in her opening statement was that our submission also referred to insurance. Obviously we don't want to think that those kinds of injuries happen, but they certainly do. We've seen them in the media and we hear about them quite regularly. In our submission, we also mentioned that some kind of framework needs to be set up, because e-mobility devices don't fall within the "motor vehicle" definition and don't come within the CTP insurance scheme. Something needs to be there so that people aren't left footing really catastrophic medical bills or loss of income because they can't work due to an injury. That was another point we made in our submission.

The CHAIR: My last question was going to be about insurance, and you partly answered that. You are advocating for and would support some kind of broad scheme where, for example, a dollar or something from the sale of the e-micromobility devices went into a scheme similar to a CTP scheme, but which had the Nominal Defendant component as well, so that anybody injured from any e-micromobility device—whether it's the rider or somebody else—are covered in some way. Is that what you're suggesting? Or the other way, of course, is that the devices are registered and only if they're registered can insurance then be attached to that, which is potentially problematic because of the huge number of these devices and the huge number of private devices. Is that what you're suggesting, some kind of broad application of a new scheme?

SHEETAL BALAKRISHNAN: In our submission we didn't actually suggest anything in particular. We just suggested the need for some kind of—whether it's a new scheme or an extension of the existing CTP insurance scheme. What was annexed to our submission was that two years ago we made a submission and gave evidence to a parliamentary inquiry that reviews the CTP insurance scheme. We put these issues before that committee two years ago. It's in the report. Basically SIRA did respond to the issue that we raised, but there was no particular recommendation that was made at that particular time. So we don't have a particular view on what that would look like, just that there needs to be something there, whether it's an extension of an existing scheme or a brand new scheme.

The CHAIR: We are out of time. Thank you so much for your submissions and for agreeing to give evidence today. It was extremely valuable. Rest assured that we will take your views into consideration and the needs of the communities you represent on board in terms of our recommendations. Thank you, Mr Maguire, as well. The Committee will be in touch if you took anything on notice. Members may have supplementary questions as well, so the secretariat will be in touch with those.

(The witnesses withdrew.)

(Short adjournment)

Mr DAVID REYNOLDS, Chief Executive, Local Government NSW, sworn and examined

Mr SHAUN McBRIDE, Chief Economist, Local Government NSW, affirmed and examined

The CHAIR: I welcome our next witnesses. Just before I ask you for your opening statement, I will let you know that we have two members of the Committee online: from the Opposition, the Hon. Natalie Ward and the Hon. Wes Fang. Who is giving your opening statement?

DAVID REYNOLDS: I will be, Madam Chair. Madam Chair and Committee members, including those joining us online as well, thank you for the opportunity to appear before this inquiry today. Local Government NSW is the peak body representing all 128 councils across the State as well as a number of related entities. Our president, Councillor Darriea Turley, AM, extends her apologies today. She is currently unable to join us. I have Mr Shaun McBride, our chief economist, also appearing as a witness with me today. On behalf of councils, Local Government NSW advocates for policy and legislation to enable and regulate—among other things—active transport, including for e-scooters and e-bikes.

Local Government NSW would like to acknowledge the recent New South Wales Government announcement made on Monday by Minister Haylen. We welcome the New South Wales Government's release of the E-micromobility Action Plan as a road map in legalising e-scooters and are pleased that it recognises many of the concerns raised by local government. I look forward to providing more feedback on that in due course. Councils manage key infrastructure such as roads, cycleways, parks and open spaces, playing a key role in engaging with local communities on matters such as road safety. The rising popularity of e-mobility devices like e-scooters and e-bikes reflects the community's demand for more economic, efficient and sustainable transport options. Councils support e-mobility growth through programs like the current shared e-scooter trials and e-bike arrangements in parts of New South Wales, but urge the New South Wales Government to address some of the safety challenges and other concerns these devices present.

Firstly, increased e-scooter and e-bike usage has raised concerns about community safety, particularly on shared paths and walkways, where improper parking and reckless riding have led to accidents. There are also conflicts between conventional cyclists and those on e-scooters and e-bikes. Safety concerns include but aren't limited to: the inability of authorities to effectively regulate the speed of privately owned e-scooters and e-bikes; the young age of many riders, with many of the riders having no or limited knowledge and training on the road rules; and, in particular, noncompliance with helmet use. More enforcement of road rules is required, with greater NSW Police Force involvement needed to ensure compliance. A statewide education campaign is also necessary to promote responsible use and enhance public awareness.

Secondly, councils are concerned about the rising incidence of lithium-ion battery fires, with nearly 100 battery fires reported this year by Fire and Rescue NSW, averaging some 5.7 incidents per week. The potential for disaster is exacerbated by higher density living and high-rise units. While the majority of fires seem to occur while charging, the transport of e-scooters and e-bikes on public transport also presents risks of fires in confined and crowded spaces. There is an urgent need for stronger regulation and public education on the safe use, charging and disposal of these batteries.

Thirdly, the current infrastructure is not equipped to accommodate the expected increase in e-mobility device usage. Councils require funding and support to expand and maintain safe cycling lanes, shared paths and appropriate parking solutions to ensure the safe integration of e-scooters and e-bikes into the transport network. It's estimated that the costs of shared paths in major capital cities like Sydney range from \$1.5 million to \$3 million per kilometre. Fourthly, another concern for councils relates to potential legal liabilities with the use of e-mobility devices on public roads or paths if there are crashes that result in injuries or other loss or damage. While personal responsibility of riders remains important, the courts still look to others such as councils for responsibility. As such, we would like to see clearer rules around these liability factors.

Finally, it's probably safe to say that e-mobility devices are here to stay in New South Wales. As such, there should be a strong focus on the integration and regulation of e-scooters into the existing transport network in a similar way to how e-bikes are travelling. Local Government NSW would like to see the New South Wales Government develop a clear and comprehensive regulatory framework to address safety, infrastructure and enforcement concerns, ensuring the safe use of e-scooters and e-bikes in New South Wales. It's crucial that close consultation continues regarding e-mobility regulation and related challenges.

The CHAIR: Turning to the announcement on Monday, you said it was good to see that there are moves to tighten up and deal with the issue of a lack of regulation in this sector. I assume Local Government NSW was strongly involved in and consulted on the release of that action plan?

DAVID REYNOLDS: No, we weren't consulted in detail on the plan. Obviously, the Government's had a program of looking to do work in this area for some time. Indeed, earlier structures of transport departments had active transport parts of the organisation set up, so they've been deliberately focusing on this. But in terms of the release of the documentation, there was no specific, detailed consultation with us. There may have been workshops and discussions but, in terms of sitting down and reviewing documentation before it came out, I don't believe that occurred.

The CHAIR: There's an interagency group. Is Local Government NSW in any kind of consultation group around this? I assume you're not in that interagency group either?

DAVID REYNOLDS: We engage with Transport across quite a range of topics and we meet regularly with them at a range of levels through the department. I'm advised we have been on workshops but I'd have to take it on notice. If you could provide the specific name of the interagency group, we're happy to take that on notice and come back.

The CHAIR: Okay, we'll probably get that at some point. Regarding the background to reforming sharing schemes, we've heard from a number of witnesses in the last couple of days about the need to really have, ideally, a statewide regulatory framework and that the council-by-council approach—where councils have had guidelines but there hasn't really been any overarching regulatory framework—has been lacking. My understanding, from the limited information that we've got around what the Government is proposing for this plan, is that the regulatory approach may still allow councils to decide and determine what goes on in their area. Is that your understanding?

DAVID REYNOLDS: Yes, our understanding is that the documentation released on Monday still allows for councils to have discretion around how the shared schemes may function in their LGAs. In simple terms, if there's a public shared scheme, council will have discretion around that. There may be licence conditions, and there may be areas where they're able to be used and areas where they're not able to be used. Of course, those then come with the ability to engage with communities or with providers around the good use of those schemes and also provide for probably some more detailed discussions around technological solutions to some of the challenges, like geofencing areas where these devices might be able to be used or perhaps speed-limiting some of the devices.

But then, of course, there's the private use part of the debate as well, which is quite a different space, where you don't have companies as licensees with overall control of devices. Documentation, as we saw it on Monday, still allows for councils to have discretion, which we're quite supportive of. Different areas will have different needs and challenges, and it is appropriate that they are able to engage with their communities and with their councils to see how that would work best for them.

The CHAIR: Do you see any issues or problems—Sydney, of course, is very different to Brisbane with the big Brisbane City Council area—with multiple shared bike and e-scooter schemes operating at different councils? Obviously, people can go through a boundary and suddenly there is nowhere to park when they go to the next suburb because that council does not participate in that scheme, for example. It does seem very messy and complex for the businesses that have to deal with every individual council. Can you see a way in which it can be better managed so that it is not as complex and confusing for the people who are riding and using the scheme, and for businesses? I think the strong message that has come out is how many councils there are across New South Wales and how complicated it has been.

DAVID REYNOLDS: Yes. I think I mentioned 128 in my opening statement, so there's a large number of jurisdictions across the State. The feedback we're getting from the councils that have participated in the trial so far is that they do see good utility in not having open slather about a large number of providers. Some limitation on the number of providers that may facilitate these schemes is helpful feedback out of those councils that have participated in trials so far. For longer journeys, probably the anecdotal evidence is that people would do that perhaps more on a privately-owned device than a device they have to pay a usage charge on on a per-kilometre basis perhaps. That may, in practice, limit some of those things, but I think we're probably heading for an environment where there's an underlying level of regulation that the State Government is looking to advance, with then local discretion provided to councils about how they might interact or opt in to that type of scheme. I think there is sense in that approach, but we would always argue that local councils know their town centres, know their communities and know their patterns of use. They're trying to do better about first-mile and last-mile transport options to try and facilitate active transport as opposed to motor vehicles for lots of things.

That then leads to some other discussions about how councils would like to engage with that, how their town centres can develop around that and how the infrastructure need builds up around that, too. Things like separated bike paths—to really do this well—are really expensive to do. They potentially involve either giving up established road area or acquiring property to provide them. Some councils, like the City of Sydney, have done

that very well, progressively, over a period of time. But in other councils in the outer metropolitan regions, where we would love to minimise the amount of car trips under a couple of kilometres from home to a metro station, for example, those separated cycleways simply don't exist on the State or the local road network. Things like shared paths might exist and footpaths exist, but I don't think the differences between all of those things are deeply understood in the community. That raises questions about how the average person gets good messages and good information about good usage of these devices and where they can do that safely and well.

The CHAIR: This is my final question before I pass on to my colleagues: Does Local Government NSW have any specific recommendations in the areas of State and Federal government investment in separated cycling infrastructure to assist local government? We know that the spend, in terms of the transport budget, is far less on active transport than many experts are suggesting it needs to be. Do you have any recommendations or a formal position on that?

DAVID REYNOLDS: I'm not in a position to put a number, but we would encourage the Government to think about the outcome it would like and match its investment to that outcome. There's a role for this type of transport right across the transport network. Some of that is going to be along State-classified and State-owned-and-managed roads. Some of that is going to be on regional or local roads that are maintained and run by the councils. In our submission, the Government should be thinking about how the integrated system works so that the user doesn't really know whether they're on a council or a State road; they just get to use that device safely. Equally, we should be thinking proactively about how our contributions framework starts to collect for the type of investment we'll need to do this. We can do this gradually and progressively as areas roll out development.

In greenfield release areas, are the Government's policy settings and are the council's discussions with IPART capturing this type of infrastructure spend that might need to be factored into contributions plans? Or, for example, if we're thinking about the Government's programs around TOD development, are the infrastructure settings there capturing enough support for the type of on-road infrastructure we'll need—but perhaps also end-of-trip facilities at renewed station locations because that, of course, manages some safety risk as well. If you can park a device with a lithium ion battery safely, you don't have to transport it on an underground transport network. Is that a sensible risk management practice? Arguably, in some cases, it probably does reduce some risk. We can knit things like that together with good planning and good funding, earlier.

The Hon. MARK BANASIAK: I go to the part in your submission where you talked about how you consulted with your councils that had trials in their area. You spoke about geofencing to assist with unsafe parking. Have you heard any feedback from your councils as to the success or otherwise of that geofencing technology in alleviating the constant issue that we're hearing about these devices, which is that they are just being dumped anywhere across the town? Has the geofencing technology worked or does it need to be refined? What's the feedback you're hearing?

DAVID REYNOLDS: The feedback we're getting from the trials is generally positive. They are trials so that the councils can explore and find out about these things. Within the ambit of being generally positive, I think the geofencing is proving to be helpful but not exhaustive in eliminating the problem. I think that's the fair feedback. On the walk from our office to here today, we would have seen many different devices left in different positions around the city streetscape—some with helmets, some without. I think geofencing has a role to play in limiting location but also, particularly for devices in the shared schemes, around combining with the ability to limit speed in particular areas. I know in some of the Government's work—and in our submission, too—we acknowledge that there's probably some thinking that needs to be done around different speeds in different environments.

The combination of the technological approach there is probably helpful for that. But certainly in the shared schemes that's one of the conditions that can be featured in licences. If suppliers aren't maintaining good compliance with those, then that should be questioned and tidied up. We don't want unattended property in public places. There's the unattended property Act, which gives councils an ability to enforce compliance with property. I'm not suggesting there's a role for councils in enforcing compliance with usage. We think that's very clearly a matter for police around speed and helmet and location. That's not a council role. But, if you think about an e-bike or an e-scooter the same as you think about a shopping trolley that's been left behind, occasionally councils may have a role in working with the suppliers to tidy those things up. So I think geofencing is part of the answer, but it can be improved through feedback through the trials.

The Hon. MARK BANASIAK: Have you heard any feedback from regional and rural councils about what they would like to see in terms of regulation—whether there are any nuances for rural and regional councils around not just the shared scheme but private e-scooters and e-bikes?

DAVID REYNOLDS: If I think of two in the rural area, I think particularly Forster—so MidCoast Council—and Albury Council had some trials in the regions. We're looking forward to getting their feedback,

particularly now that the Government documentation is out. We'll work closely with them on that. I think the challenges there are probably similar around interaction between users. It's the identification of the right place to ride, how to ride safely in the right place, usage of helmets, management of speed and then also the age and experience of different riders who are able to utilise these devices. Again, that would be quite consistent with feedback we've had through Northern Beaches Council—and down, too—around, particularly, the use of e-bikes on beach frontages in some parts of Sydney where often you'll have multiple people on a bike carrying bags and surfboards. You might have 100 kilos plus the weight of the bike going at a reasonable speed down a shared environment. The regional feedback would be consistent with that. We're looking forward to getting some more detail from them as we go.

The Hon. MARK BANASIAK: You speak about the need for better data to inform future regulations. Do you think we have enough data at present to inform a decent set of regulations or should that be part of the action plan seeking out better datasets?

DAVID REYNOLDS: I'll ask Mr McBride just to comment on the data.

SHAUN McBRIDE: That is one of the outstanding issues we think in developing a framework, that the data is not adequate as yet; we would agree with that position. We don't have sufficient data, for example, on road trauma resulting from these vehicles, accidents and so on, and data on the costs that might be associated with that. We don't have data on how effective these alternatives are in shifting transport mode, like shifting people from cars to scooters, or so on. We've asked for that. Even though the councils were in the trials, they all said they didn't have that data yet. They can't tell if the person riding the e-bike, their mode shift has been from walking or from regular bike—that they've shifted that way. We don't know if that was the move or whether they actually stopped driving a car and took up a bike. There's a whole lot of data that needs to be collected to fine-tune the regulatory framework.

The Hon. NATALIE WARD: Thank you very much for your attendance and for your submission. My question is related to your paper referring to the previous trials. My understanding is that there are trials going on and we'll await outcomes and feedback from those. The previous trials in Western Sydney Parklands, the Australian Botanic Gardens and Lake Macquarie, do you have any data from those about what the feedback was, what the issues were and what the recommendations were at those trials, given that they've concluded?

DAVID REYNOLDS: I'll ask Mr McBride if he's got some information on that data for you.

SHAUN McBRIDE: No, we don't have the data on the Western Sydney Parklands and so on, and the other ones you've mentioned. Was it Armidale you mentioned as well?

The Hon. NATALIE WARD: In your submission at page 3, previous trials in Western Sydney Parklands, Australian Botanic Gardens and Lake Macquarie.

SHAUN McBRIDE: No, we don't have data on those projects or Lake Macquarie.

The Hon. NATALIE WARD: I invite you to take that on notice and to provide information to the Committee about those. It would be helpful if that occurred. I will move on from those then. In terms of different councils and different dynamics, appreciating that the northern beaches surfboards and congestion is different to the City of Sydney, and it is different to Wollongong and the other councils, how do you see managing those different dynamics? You talked about councils know their areas best. How do you give [inaudible] to the rider hopping on a bike, coming to Sydney, perhaps having a day at Manly and a day in the Sydney CBD to understand what the rules are, what the speed is, what they need to do in terms of scooters and bikes? How do you weigh up those different dynamics with the different councils [inaudible].

DAVID REYNOLDS: I take you back to my earlier answer where I suspect there's good logic in an underlying regulatory framework that applies consistently with the ability then of councils to opt in to the shared schemes if they feel that's appropriate, and they can then maybe set out some additional licence conditions around supply of equipment, maintenance of equipment, areas where equipment can be stored or charged. But underpinning that should be a well-communicated, consistent regulatory framework, because a good part of our submission is around education of the public and education of users as to what those things are. We think that's something that the Government needs to be quite active on in that space, because of exactly the example you give. If you catch the train in from the Blue Mountains or Wollongong or something like that, and you'd love a day around the harbour or Manly, you should be able to do that with some understanding of how you can conduct yourself properly in that environment. We think it's appropriate that people know that, and that's educated well.

The Hon. NATALIE WARD: Getting into the practicality of that, given the Government has already gone out without consulting and without showing courtesy to this inquiry by waiting to see what the recommendations are, and given it has announced that this will be legalised, and given there have been trials

already that don't seem to have had information taken into account from those that have concluded, how do you see that working? Is it that government should consult with those councils first to come up with some shared, agreed tracks, if you like, or an agreed starting point on the regulations? Who is responsible as to where the differentiation between the councils is implemented, communicated and educated?

DAVID REYNOLDS: We're looking forward to giving feedback on the work that the Government has put out this week. That obviously progresses a level of detail that has not been available to give feedback on before. We'll be engaging with our members and capturing their feedback on exactly those points that you've raised, and doing some more work with the Government on that. We think, clearly, it's a government responsibility around communicating the base level of regulation and the base requirements. It would then be a process of engaging with councils if they decided to use or activate particular schemes differently in their LGA. That's obviously where they'd have a role in communicating those things. But, at a basic level, feedback to the Government and good understanding so that we can communicate well back to them what our members' interests are in terms of how they see this rolling out as effectively as possible.

The Hon. NATALIE WARD: I heard what you said, that you haven't so far been invited to do that. Do you have an indication from the Government about a working group or have you been invited to do so, or are there next steps?

DAVID REYNOLDS: I'll have to take that on notice.

The Hon. NATALIE WARD: As you sit here today, have you been invited by the New South Wales Government to participate in providing that feedback or any process going forward?

DAVID REYNOLDS: I'll take on notice as to whether we've received a specific invitation, but we certainly provided feedback to the Government in a range of ways and at very many different times. Even if we did not have an invitation, we would still provide comment through our normal channels of engagement with departments and staff around frameworks and policy positions. That's a normal process for us, but I'm happy to take on notice whether we've received a particular invite.

The Hon. NATALIE WARD: And, going forward, what the plan might be. You were talking about how some different councils are doing it quite well. I think you mentioned the City of Sydney. I am just interested in the parking challenge given the issues with bikes and helmets lying around. We've heard a bit about that from earlier witnesses. What do you see as the way forward for parking, docking and availability of space? I have heard that some of the providers and operators are having to deal 30 different councils, each having different requirements, and perhaps some breaking it down ward by ward about what they want. How do you see that playing out, in a practical effect, to provide that parking? That seems to be one of the biggest issues for the punter on the street who is having to be aware of this. We have heard from disability advocates that that is an enormous challenge. How do you see that practically rolling out, or is it again something down the track that councils might individually deal with to provide the parking?

DAVID REYNOLDS: Clearly, we would agree that it needs to improve. If you think about it just as property left on the streetscape, that's not a great outcome. I've heard, as part of your question, issues raised by disability advocates as well about their use and amenity, and the ability to move around effectively as well. We think that needs to get better. What we have are businesses that are engaging with council around running these schemes. Those businesses need to run themselves well. They need to continue to engage with councils and communities well around good parameters for their schemes. I do take your point that there is quite a deal of differentiation across lots of different councils and, as you said, even within some councils, about the nature of the areas—whether they are split between wards or whether even different town centres with different characters across some LGAs have different needs and characteristics, which means different practical outcomes for how schemes run. I think it would very much benefit from ongoing discussions around how that could be improved. But we would agree that it needs to be improved.

The Hon. NATALIE WARD: Just to follow that through, though, that is high level, but how do we get that improved? They are saying they are having 30 different conversations and more than that. Is it that councils should be invited to provide space and provide the opportunity for that infrastructure so we can tackle that immediately? Or is your evidence that it should be an ongoing conversation with each council and it's on the operators?

DAVID REYNOLDS: I think my response is in a couple of different parts. I think if councils are being asked to provide space for commercial operations, that is a conversation that a council could have with a commercial provider around, perhaps, the leasing or licensing of a space that supports a scheme in their area, because obviously they are generating income out of the use of these devices. If it's parking for private devices, my comments would then go to things like proper collection of funding through infrastructure contributions or

usage charges for proper end-of-trip facilities, or proper storage and charging facilities, to make sure that utilisation stays safe and effective.

The Hon. ANTHONY D'ADAM: I want to ask about the regulatory powers of councils. What prevents a council from impounding a shared bike that has been left in an inappropriate place currently?

DAVID REYNOLDS: There are provisions under the—I will get the title right—unattended property Act, for want of the better term. If property is left for a particular period of time, the council is able to give notice to the owner of that equipment, and that can even be—

The Hon. ANTHONY D'ADAM: It's seven days, isn't it? That's a long time.

DAVID REYNOLDS: I'll just let Mr McBride find the particular provision. I could refer to it in detail, but there is a range. If it's in a location for seven days, that allows for some particular action. I'm happy to provide more detail on that. Councils can give notice and either fine or impound. Then, depending on the action that follows that, they can then onsell. Probably my high-level observation about that is that the fine amount is probably less than the average price of an e-bike. I think under that particular Act—and Mr McBride will correct me—it's about \$1,300 for the corporate fine for that type of property being left there. Our information is the average price of an e-bike in 2022 was about \$2,300.

There is probably a question there for the Government to work through in its regulatory framework or its legislative framework around whether there is enough incentive in the penalty there to try to incentivise the action that we'd like to be taken. But clearly, even if there is some fine available or some action available to council, that's a drain on council's resources. We would much rather be doing something else than chasing a shopping trolley, an e-bike or an e-scooter and tidying up after that kind of activity. There are other things that council resources can go to. We'd love to be in the conversation to try to minimise the opportunity for that occurrence to happen.

The Hon. ANTHONY D'ADAM: Isn't it the case with compliance activity that it's not as if you're going to have to necessarily be repeatedly having to do this? Once you start to enforce and impound, the providers are going to get the message, aren't they? It's going to be too costly for them not to deal with the issue through proactive measures, rather than just reacting to the council's compliance activity.

DAVID REYNOLDS: That is the eternal hope.

The Hon. ANTHONY D'ADAM: Do you believe there is a necessity to change the time frame or to have very specific regulatory measures that would enable more immediate action?

DAVID REYNOLDS: I think there is a good conversation there around the type of device that we've got, the risk that goes with that device—of having lithium ion batteries in the community, and other uses for those—and good engagement with providers. But, again, I'm very conscious that if there is an expectation created that council will be out within two hours to move that device, I'm not sure that councils have an appropriate ability to respond in that environment.

The Hon. ANTHONY D'ADAM: We had the disability advocacy organisations in earlier. If a device is obstructing access and egress to a particular place, whose responsibility is it to move it? There's an immediate problem for members of that community. Their access is obstructed. How do we have a system that makes sure that that is immediately rectified, if council are saying, "No, we're not going to come out and move it." It just gets left there and the consequence of that is that members of that community are obstructed from doing their daily business. What's the solution?

DAVID REYNOLDS: To be quite clear, my submission is not that council would leave it there. It's that we would love to have a system that means it doesn't get put there in the first place so it's not a drain on council's resources to have to respond. I think that starts with a few layers. We need good education around personal responsibility—whether it's a private device or a shared device—and leaving it in the right place so it doesn't obstruct a public pathway or right of way. That's the starting point. Beyond that, if it's a personal device, then it's quite a different system of response because the time frames are probably quite different.

If it's a shared device through a scheme, then we would say if the rider leaves it in the wrong place, it should start with the rider. If the scheme agent knows where each of their devices is because they have the chip in them and they can be geolocated, they should have a responsibility to act within a short period of time to remove the public obstacle, or potentially there may well need to be a liability consequence that goes with that. Council is at the end of that line. Council shouldn't be earlier in that line than it needs to be because we do take that responsibility seriously but, in discharging that responsibility, that's an opportunity cost for council. That means we're not doing something else with the limited resources that councils have. We would do it to look after our communities, but it would mean we're not doing something else at the same time.

The Hon. ANTHONY D'ADAM: Don't you want to have a compliance system that ultimately shifts the cost of the compliance activity to the offender rather than the council? What needs to be done to shift the burden to those people who are responsible for the noncompliant behaviour.

DAVID REYNOLDS: We very much agree with the position that shifting the responsibility earlier in the chain is the right outcome. We would love to shift that to a point where the issue doesn't arise that needs the compliance action taken.

The Hon. ANTHONY D'ADAM: My question to you is, what do we need to do? What's the recommendation to this Committee about what measures need to be put in place to enable that to occur?

DAVID REYNOLDS: In a nutshell, it's probably twofold, quite simply. We need clear standards with good education so that people know how they can use devices, where they can use devices and where those devices should go, safely and appropriately, when they've finished using them. Then we need good responsibility, and this is some corporate social responsibility from the scheme providers as well to fully discharge their obligations to make sure that public areas are safe. But, of course, if those responsibilities aren't sufficient, then there's legislation, which allows compliance and enforcement action to be taken at the end of the line, and allows impounding, movement or fining. We'd argue good responsibility first and then fining and compliance last, if we need it.

The Hon. ANTHONY D'ADAM: Obviously council regulates footpaths. If there are shared paths with speed limits, we've got a debate going on here about whether it's an appropriate role for the police to enforce compliance or whether it would more appropriately sit with council. What powers would rangers need to have to enforce speed compliance on shared paths?

DAVID REYNOLDS: I think the question probably is not what powers they would need to have, because the powers already exist and they live with the police. It's more a question of whether that's really a role for council at all.

The Hon. ANTHONY D'ADAM: It's your property.

DAVID REYNOLDS: When you talk about the regulatory environment, local roads are owned and run by councils, but the enforcement of speed and safe use is done by the police, and that's entirely appropriate. We would argue the same for the types of interactions with council property that the Government is proposing here. You've got a footpath at 1.2 metres wide, you've got shared paths at 2.5 metres wide and you've got separated cycleways at least that 2.5 metres wide in some areas that run along roads. Council's regulatory responsibility is around the safe provision of those surfaces, making sure they're clear and they're in good condition for use, and, more so through court actions or liability proceedings, making sure signage and markings are appropriate so people know and have good messages around how to use them safely. But councils are in no way equipped to measure speed or to ask people to pull over and produce identification as to age or to produce personal information around the wearing of a helmet or not. There would need to be a deep discussion around that and a real refocus from government, if that's the role they wanted councils to start playing. That's not what we're equipped for.

The Hon. Dr SARAH KAINE: Within councils there have been trials of the e-scooters and then there has been this kind of free-for-all when it comes to shared-bike schemes. I wanted a bit of a comment on the trials and how they've been perceived as running and the levels of consultation, and then what has happened in those areas where shared-bike schemes have just come in. Can you give a bit of a comparison of how those have panned out?

DAVID REYNOLDS: I think the trials have been received generally positively. That's the feedback from the councils and the government agencies who have collectively worked on those trials. I think I mentioned before that there are good learnings out of those around how you can manage locations and how you can manage speed and the use of the devices. I think they're good learnings, but I think we're still looking for more data around that. We're still looking for more data around safety and we're still looking for more data around how the regulatory environment can be improved in terms of usage and those things. Generally, trials are good. More of the unregulated activity that councils are seeing is in the private use area where people have their own personal devices—their own personal e-bike or their own personal e-scooter—that they're using on the public roadway or the footpath.

The Hon. Dr SARAH KAINE: We did have some councils in here yesterday or the day before talking about the shared-bike schemes just coming in and it could vary from one scheme to six schemes. You haven't had feedback on that?

DAVID REYNOLDS: I'm happy to take that on notice around those things. But the specific feedback that I've had is around the formal trials.

The CHAIR: The State government submission does say that councils have been requesting for some time greater powers to be able to cap the number of devices and operators in the LGA. Do you know the history of that engagement and the requests from local government, whether it's from Local Government NSW or individual councils to State government to request that power or to request the legislative change or whatever is required? Do you know the history of that and why there has been resistance or delay?

DAVID REYNOLDS: No, I'd have to take that on notice. We could do some more engagement with the particular members to try and provide that information.

The CHAIR: We do have State government coming up, but I wanted your view. Thank you so much for giving evidence today. We always appreciate the perspective of Local Government NSW. The Committee secretariat will be in touch if you have agreed to take anything on notice or if members have any supplementary questions.

(The witnesses withdrew.)

Mr PETER McLEAN, Chief Executive Officer, Bicycle NSW, sworn and examined

Mr PETER BOURKE, General Manager, Bicycle Industries Australia, sworn and examined

The CHAIR: I welcome our next witnesses. Short opening statements; you probably both have one. Mr Bourke, we'll start with you.

PETER BOURKE: Thank you very much for your time and also thank you to those who allowed me the flexibility to shift my presentation to today from yesterday. From the industry's point of view, e-bikes and e-scooters are fantastic. They're great options for transport, they're fun and they have a significant economic impact on the community, contributing over \$18 billion a year to the community, which is more than the thoroughbred racing industry to give you a bit of a reference. In saying that, we know there are issues. You have my submission, so I don't need to go through those, but a couple that I do want to highlight is the lack of import controls since 2021 has been one of the major contributing factors, and the lack of harmonisation across States is also a significant factor where we now have seven different definitions of an e-bike across eight different States and Territories and eight different definitions of an e-scooter across eight different States and Territories. Harmonisation of those is also for us extremely important.

I listened to the last presenters on the use, whether it's the police or the rangers. We are aware there are laws in place right now about e-bikes, and it does appear the police are either unaware of those laws or uninterested in enforcing them, which is significantly impacting the ability to sell safe, quality bikes. From that point of view, around 50 per cent of all bikes sold through bike shops are now e-bikes, and that is being put at risk because of the proliferation of those that are not roadworthy on the roads, which is also significantly impacting insurance. As an example, the average insurance for a shop has now gone up 250 per cent in the past 12 months and up to 600 per cent for importers of e-bikes, even if they've never made a claim. The ability to sell good-quality products is being put at harm.

I have two issues I did want to very quickly touch on that were not in my submission that have come up since it was put in. As of 1 October, modified e-bikes or adapted e-bikes are no longer covered under the NDIS. That was 1 October. Therefore, we know it will impact significantly people with special needs. What is ironic or very silly about this is, no longer can you get a bike if you need to go to a service but you can get a carer paid for to pick you up, drive you there, wait for you and then drive you home, even though it may have been quicker to actually supply you with an e-bike. The NDIS I know is not the purview of this Committee, but it's certainly something that we believe is going to be significant going forward.

The last is a smaller issue but it will be an issue in the future. There is currently a pilot of roll-on, roll-off bikes being allowed onto trains in western New South Wales. E-bikes are not allowed on those trains. Cycle tourism is worth about \$1.9 billion, about \$1.2 billion to \$1.3 billion to regional communities. Half of those riders at least are using e-bikes, so it will significantly impact that. At the moment, you can't put an e-bike on but you can carry an e-bike battery on a train. If anything, that's dangerous and probably the thing you need to be concerned about. I welcome any further questions, but that was obviously a very brief summary.

PETER McLEAN: Thank you for the opportunity to address the Committee as well. Obviously Bicycle NSW is very, very supportive of e-mobility devices and the opportunity and benefits that provides our environment and community—social benefits; community benefits; autonomy of those that can't access other transport modes; the youth as well, of course; health and wellbeing opportunities; and the ability for it to address that last mile transport in our society. There are over two million car trips in Sydney alone each and every day that are only a couple of kilometres in distance. We can walk them, we can ride them or we can e-scoot them, and that's a significant opportunity in reducing traffic and being more efficient. There are, of course, those challenges—Peter Bourke has mentioned a number of them. They are the regulations and they are the standards.

There is certainly a lack of education and awareness, but the key point I want to highlight is infrastructure. We have a lot of user conflict and user challenges because we simply do not have the appropriate level of fit-for-purpose, efficient infrastructure. We are very, very slowly improving that in New South Wales, but we need to significantly continue to improve that as well. There is quite a strong risk at the moment of overregulating this space. We need to get the regulation right, but from Bicycle NSW's point of view, we don't want to see it overregulated with things like licensing schemes or registration schemes and the like.

We know that the New South Wales Government has looked into this on a number of occasions. We actually have one of the reports of registration schemes not being supported with New South Wales Government analysis. I'm happy to share that if you wanted to see that. It overwhelmingly highlights the barriers that it creates. Cost of living, obviously, is an issue, and it's expensive to administer and operate. Of course, it is extremely

difficult to enforce. Around the world we do see that behaviour change and education programs overwhelmingly get a better result. We still believe, if insurance is a risk-control opportunity, that that could be provided.

We have looked into that on a number of occasions at Bicycle NSW over the years, and I'm pleased to say that it still is actually a viable option to achieve from a public liability point of view. We have ideas there. Also, we are experts in the education space as well. We have a number of ideas to look at how we can engage the youth in responsible use of these e-mobility devices, as well as other targeted sectors of our community. With the right regulations and points in place, we believe that we can take advantage of this opportunity safely and efficiently for all members of our society.

The CHAIR: Thank you very much. I wanted to get straight to the point of insurance. I'm aware that Bicycle NSW has a particular form of insurance for its members. We've heard from the Insurance Council of Australia and others about the lack of anything in terms of CTP or Nominal Defendant—it's very difficult to insure both riders and pedestrians hit. How do you do your insurance? What recommendations do you have for the Government on this?

PETER McLEAN: Bicycle NSW has been providing comprehensive personal accident and public liability insurance for its members for decades. That is out of private healthcare expenses for personal accidents and out of Medicare expenses for rehabilitation and income protection insurance, of course, as well. From the public liability side of things, we provide \$20 million of public liability injury if a bicycle rider is proven to be negligent in terms of where they're riding and how they're riding that has caused injury and harm to property or a person.

That's afforded to all of our members—many thousands of them across New South Wales. That is something that we have looked at. I have spoken to our underwriters, and it continues to be a viable option. It needs to be investigated further, but I was only speaking to them yesterday and we could provide a very cost-effective solution to all bicycle riders in New South Wales, if that was an option, at a very cost-effective price—a fraction of the toll rebate the New South Wales Government currently provides people for using tollways in New South Wales, for example.

The CHAIR: Is there a difference in terms of cyclists using non-e, standard bicycles compared to what we heard from the Insurance Council of Australia and everybody being incredibly nervous around the increase in injuries from e-scooters and other—everybody's talking about fat bikes and the kids on fat bikes. Is that standard across all e-micromobility devices do you think, in terms of a willingness by that provider to cover all devices and people injured by all devices?

PETER McLEAN: Currently, it covers all legal devices. In some of our 24 recommendations that we've made in our submission, it does highlight how we can have sunset clauses and interim processes and procedures put in place to better regulate the illegal devices out there which are too fast and too powerful and can create much increased levels of risk. But currently it does provide public liability coverage for all non-e and legal e-bike devices, and it can provide it for e-scooters if and when they become legalised in New South Wales as well.

We should also point out that the inherent risk here is that e-mobility devices are not the major risk driving the injury and fatality data in our country and in our State. Last year we saw 1,266 people die on Australian roads. On average, almost one person dies in New South Wales each and every single day on our roads. They're not as a result of e-mobility devices, even the illegal ones. I'm not saying it's not an issue, but our risk perception here is being shifted away from the absolute tragedy that's coming to us every single day on New South Wales roads. We should make a note of that as well. Most pedestrians who die in New South Wales—on average 36 per year, as per the Centre for Road Safety data—are dying from motor vehicles, not from interactions with bicycles, e-bikes or e-scooters.

The CHAIR: I want to ask you both this next question that arises from the suggestion by cycling advocates for lower speed limits. Generally, the Government wants to ensure that more of the legal e-scooters use roads and separated infrastructure, but many places do not have the cycling infrastructure. What are you advocating for in terms of speed limits for vehicles on both State-owned as well as council-owned streets, and why is that important? Mr Bourke, do you have an opinion on that?

PETER BOURKE: Without a doubt, the reduction of speed limits within built-up areas—so 30 kilometres an hour is the safest speed limit that's currently being utilised across Australia and other various jurisdictions. As we go to higher quality roads or higher priority State roads, I can't give you a blanket ruling on—obviously travelling on the Hume Highway is certainly different to travelling down various other main roads. If we're talking about the built-up communities—the places where people live; the places where many people travel—without a doubt 30 kilometres is the priority. As a driver, we understand that feels slow, but if there is an

incident, we know the impact is so much less. As a driver, until that happens, you don't realise how important that speed actually is.

PETER McLEAN: Very much the same—30 kilometres is absolutely the world standard in terms of survivability from a vehicle impact, whether you're a rider of a bicycle, another e-mobility device or indeed a pedestrian. I am only talking about 30 kilometres in highly built-up urbanised areas; I'm not talking about highways, and rural and urban arterial roads. From an infrastructure point of view, the bicycle infrastructure is inherently very expensive and, in some instances, very hard to achieve in terms of separated cycleways. There are opportunities. If certain streets are reduced down to a 30-kilometre speed limit, that bicycle infrastructure could be very much just an integration of that shared space. We are strong advocates around that.

The CHAIR: That's important, thank you. The last question from me is on the importance of education. Mr McLean, you mentioned that you have been involved—or Bicycle NSW has some ideas on that. It's clear that education is lacking, both in terms of pedestrian knowledge of what to do if you hear a cyclist come behind you ringing their bell—just the basics, really, let alone anything else. What do you suggest the Government needs to do? What are the kinds of low-hanging fruit, if you like, in terms of education for not just cycling but also new e-micromobility devices? I will go to both of you, but Mr McLean first.

PETER McLEAN: Yes, there's quite a long list, but certainly one that comes to mind is we would really like to see a basic online digital program integrated into our schools. It's actually founded on the old pen licence that was created, I don't know, probably decades ago—I'm not exactly sure when. Essentially, getting the students—and we've already developed the online capability to do this and hopefully are going to be trialling it with some councils—to answer about 10 to 15 questions about very, very basic road rules, awareness, etiquette questions, which would then ensure that they know the very basics around safe riding and safe e-mobility, particularly travelling to school, but as they grow up through society as well. That then gives their parents a bit of an understanding that they know the basics, and it also provides some knowledge to the school that their students also have that basic awareness as well. So that would be something that's very, very easy and cost effective to deliver, and it would bring about some widespread change as well.

PETER BOURKE: I would certainly support what Mr McLean said. General bicycle education for all is certainly a high priority for us, but I am going to take a slightly different angle. It's also talking about the product that the consumers actually take on board. We do need to strongly look at how we educate people on "you get what you pay for". We are aware of fires as an issue. We are aware of products that aren't of an Australian standard. We are aware of a significant flow of product that is not what we would call desirable. So it's education in that regard.

In my role I'm also the chair of the Australian Standards Committee. We aim to have a new standard on e-bikes out by the end of this year. Whether we achieve that or not is always a question. Elements of that will have strict anti-tampering clauses. Not only will we have the mechanical elements of that; the promotional element with that would also, for me, be a strong element to ensure that people understand why that is in place, both the safety as a product but also the safety as a road user as well.

The Hon. MARK BANASIAK: Mr McLean, you spoke about the Centre for Road Safety when you were talking about dropping the speeds of motor vehicles to 30 kilometres per hour. Are you aware that the Centre for Road Safety also suggested to the State Government that, when it comes to shared zones, the speed for e-scooters and e-bikes should be 10 kilometres per hour, and that that's been ignored and the Government is now proposing it to go to 20? I want to get your view on what would be the recommended speed that you would suggest in a shared zone.

PETER McLEAN: For e-scooters?

The Hon. MARK BANASIAK: For e-scooters and e-bikes.

PETER McLEAN: The first thing we would strongly advocate for is consistency. Because when it comes to the education and when it comes to the enforcement, having things the same makes things much simpler. We would see that we should have the same speed limit for all devices, whether it be an unpowered bicycle, an e-bike or an e-scooter, just for that point of consistency. In terms of the speed limit, we're less focused on the exact speed limit because we want to regulate that on people's awareness and behaviour, rather than having a heavily regulated speed limit highlighted in specific areas, which also gets confusing.

A really good example of that is—I rode my e-bike to the train station this morning. I can very comfortably, at 5.00 a.m. in the morning on a shared path, ride at speeds of over 20 kilometres per hour and even 30 kilometres per hour in some spaces. No-one is on that space. It's got clear sightlines and it is safe to do so. When it's busy, it's not safe to do that. If I'm riding on a shared path in the city, it's absolutely not safe to do that,

and it's not safe to do even 10 kilometres per hour. We want to try and regulate people's behaviour based on respect, education and awareness for their fellow road users at the same time, which is very, very important.

The Hon. ANTHONY D'ADAM: We don't take that approach generally to the roads, though. We don't say, "At five o'clock in the morning the major thoroughfares are clear, so I can go 110 kilometres per hour then, while I should be going 60 when it's busier." We don't take that approach to motor vehicle traffic. Why would we take that approach to e-mobility?

PETER McLEAN: In some instances, we do, when it's bad weather, when it's high-traffic conditions.

The Hon. MARK BANASIAK: That's all signposted.

PETER McLEAN: Yes.

The Hon. MARK BANASIAK: It seems to me what your approach would encourage is discretionary speeding, based on a person's perception of whether it's safe or it's not, rather than a mandated speed guided by a road safety council.

PETER McLEAN: It still might be capped at a speed that we would recommend, just like the recommendation of our roadways. Just because it's a 50 zone or a 100 zone, it's not always safe to do that 50 or 100, so you might have a maximum cap there but you're always exercising your care and respect for other road users and the safety and conditions to regulate your speed. Setting a maximum speed limit, which would probably more likely be the 30-kilometre speed limit, for example, would be the appropriate thing. When there's heavy traffic, heavy use, wet weather, whatever it is, you'd be doing 20 kilometres or 10 kilometres an hour—whatever it might be—which is appropriate for the road conditions at the time.

The Hon. MARK BANASIAK: Mr Bourke, you spoke about insurance, I think more from the perspective of a business owner. What insurance products are you struggling to afford as a business owner as it relates to e-bikes and e-scooters?

PETER BOURKE: The insurance market has dried up in terms of access for insurance for business property liability. As I said, because a number of underwriters have withdrawn from the market, we are aware in the last 12 months, certainly, some have actually withdrawn altogether, even though you may have had insurance with them for 10 years. We now have importers that are self-insuring because their insurance has gone up by 600 per cent. Even though they have never made a claim, their product mix has not changed, they cover quality brands, because of the lack of controls of what's coming into the country, it is a blanket rule on all e-bikes. Therefore, it is really just the business insurance that I have a focus on rather than the rider themselves.

The Hon. MARK BANASIAK: Can I go to the question around data. We've heard that there isn't enough data being collected across the board. How do you think that data should be handled when it comes to its interaction between the owner of the device, obviously, versus where it goes? Obviously, government should be the main people utilising this data. Do you think it should be restricted to only data being shared with the government to inform regulatory decisions, or are you happy for the data to be able to be sold by the private companies to other—

PETER BOURKE: Sorry, I didn't mean to cut you off there. I apologise. Obviously, data and private information is a much wider conversation. For me, utilised in an appropriate manner that is for regulatory control is certainly a priority. The access to appropriate data for insurance is a very grey area. Unfortunately, this isn't my area of expertise. Obviously, the lack of data is significantly impacting on the insurers, and this isn't necessarily the insurers unable to collect data on incidents themselves. The availability of appropriate data on incidents, whether that's injury or fire—and that's probably fire that's the main one, we're finding—is the provision of appropriate data to them on incidents they're involved in. That is actually one of the biggest shortcomings. Unfortunately, I'm not able to answer your question directly because, I'll be honest, it's not my area of expertise. But to be providing them with some level of data on incidents is, for us, something that we do need to see.

The Hon. MARK BANASIAK: We heard from some of the recycle people earlier about the lack of uptake in shops in joining part of a sensible recycling program for batteries. I'm just wondering what you think. What is the reason behind that low uptake in adopting some sort of joint recycling program for these lithium ion batteries?

PETER BOURKE: The battery stewardship, or B-cycle, is a member of Bicycle Industries Australia, and we work with them. I'm in a working group with the EPA and DEECA as well as B-cycle, so I'm very aware of that program. The challenge is with the recycling program that they've identified for us is to be a drop-off point for batteries. Batteries of unknown history are the biggest risk when it comes to fire. We've had two shops in Australia that have burnt down as a direct result of batteries or poor quality batteries of unknown history. Even with the provision of an appropriate storage box—which we've developed standard operating procedures for and

we've developed storage boxes that they could and should be using—insurance will still not allow them to accept batteries that they do not know the history of. Sorry, that's not quite right. They will allow them but obviously there will be a severe penalty on insurance premiums.

The Hon. MARK BANASIAK: So maybe the data we collect should include something around battery maintenance, battery replacement and battery disposal perhaps, to help with that insurance.

PETER BOURKE: Yes. One of the key criteria that the Office of Fair Trading, since this submission, will have put in—Office of Fair Trading has obviously gone through their process. They will introduce in New South Wales on 2 August a requirement to meet EN 50604 or IEC 60335. That is a unique position in Australia. No other State or Territory has that position. So you can actually have any battery. There is no requirement and there is no barrier to entry of any quality of battery to Australia. Therefore the data that is kept doesn't include the quality of the battery, the type of battery or whether it meets any standard at all. The first is to stop them coming into the country and the second is to record what's actually happened.

The Hon. ANTHONY D'ADAM: I want to pick up on this issue around importation and standards. Firstly, I want to ask whether you would support a registration scheme, like a vehicle registration scheme, as a means of enabling the quality control question to be—because obviously with the importation question, there'll be vehicles that will make it through the system. Then there'll be no capacity to actually detect those vehicles if there's no registration scheme. I want to get your views on that.

PETER BOURKE: Before I touch on registration, prior to 2021, when the then junior Minister to the transport Minister updated the Road Vehicle Standards Act and removed the AA and the AB category vehicle descriptions from the Road Vehicle Standards Act—prior to the implementation of that, all e-bikes coming into the country required an import permit and proof of evidence that they met the standard. So we already had in place a system that required a chain of paperwork to identify what standard, and that they had actually met that standard. I can tell you quite clearly now that with the advisory notice, you now apply—if you wish, you may wish to pay \$49 and you may wish to apply for an advisory notice and it is literally titled "that thing is not a motor vehicle". If you apply for that, it will send you a letter that says, "You do not have to provide any evidence." We actually had a system in place. We walked it backwards. Registration is not necessarily the immediate solution but—this sounds wrong—go back to where we were and we actually have a paper chain.

The Hon. ANTHONY D'ADAM: It's a stronger system, isn't it? If you want to insist on vehicle standards, then there's obviously opportunity to modify vehicles in Australia. They've come through the customs system but they're in Australia and they get modified locally—unless you've got a registration system, you've got no way of actually detecting those modifications. If we wanted to apply those speed limitations on the vehicles, there's no mechanism, is there, to enforce those requirements without a registration system?

PETER BOURKE: Yes. Once they're in the country—that is obviously a system. That applies to motor vehicles as well. Once they're in the country, they can be modified. Once their registration—

The Hon. ANTHONY D'ADAM: Of course, but we've got a registration system. We've got vehicle checking.

PETER BOURKE: But once they're registered, they can still be modified. I'm in Victoria. Once I've bought a car, it's never checked again. I know in New South Wales you obviously have an annual pink slip. In Victoria, the only time I need a roadworthy is when I actually dispose of the car or sell the car. I've got a 10-year-old car; it hasn't been checked since it was actually purchased. One of the things with registration is that obviously it hasn't been enacted anywhere in the world for a reason. We want more people getting access to mobility. We don't want to put more barriers in place, where that's a cost. On that point, the Federal Government introduced a 5 per cent import tariff on e-bikes in 2018, so that actually made it more expensive already. When we've got a solution where we're trying to get more people active, we're trying to get more people with a mobility device, and we're trying to reduce environmental impacts and increase health benefits, putting another barrier in place is probably not the solution we would be looking for. As I said, around the world, it's been looked at and, around the world, it actually has been rejected because of various reasons.

The Hon. ANTHONY D'ADAM: We heard earlier evidence about the user education question, and the suggestion was that the best place to do that was at point of sale. What do you say about that?

PETER BOURKE: There is no doubt the point of sale has a place, and it is part of the education. It is—the only reason I hesitate is, if I trusted the consistency and the quality of information at all points of sale, I would agree wholeheartedly. Because we have 900 bike shops across Australia, we have online sales and we have a variety of—the biggest supplier of bikes in Australia is Kmart. We have e-bikes from Aldi and we have e-bikes from a variety of locations. The ability to have a consistent message and consistent education—I am challenged by that approach. It should be part of the approach to education but, just on that point—this sounds wrong—if I'm

walking out with a box of an e-bike from Aldi, I don't expect the person putting through my apples, my bananas, my meat and my bike to give me the best advice on e-bikes.

The Hon. ANTHONY D'ADAM: In your submission, you make a recommendation that I am curious about, which is to withdraw mixed-pedal vehicles. Why is that?

PETER BOURKE: Mixed-pedal, did you say?

The Hon. ANTHONY D'ADAM: Yes. You say "withdraw power assisted pedal cycle category". What is that?

PETER BOURKE: Yes, my apologies. Currently, in New South Wales, there are two definitions of an e-bike. One of them is a 200-watt maximum power. Be very clear, that is a maximum, so that's the peak power. That is not allowed to have a throttle above—no, not a throttle. It must be pedal assisted. The other category of e-bike is a 500-watt continuous rated. A continuous rating is generally about double the rating of a max. So the continuous rating of a 200-watt is probably about 100 watts. I would be hesitant to find a road-legal bike that actually fits that definition that is on the road in New South Wales right now. So that muddies the water. It creates another definition and another pathway for someone to either believe they're doing the right thing or to use it to try and get around the actual law. Currently it's defunct as a definition—is the real answer.

The CHAIR: Can I jump in on that? I see in your submission as well, Mr Bourke, that you have made mention of the regulation that was introduced. It seemed to be very last-minute—potentially before the last Government went into caretaker mode, to be honest. You said March 2023, but I have just looked it up and it was February 2023.

PETER BOURKE: Apologies.

The CHAIR: That is okay. I was wondering how that could have happened, because of the election timing. A regulation was introduced to, in fact, allow an increase of that 200 watts to 500 watts—the continuous rated power limit—and there were a few other changes along with that, which is very interesting. Do you know where that came from in terms of the industry? You said you have been working in standards and that you are a professional in that area. Do you know where this came from and why? You said it is rather unique to New South Wales.

PETER BOURKE: I'm not sure the background of how it came. Under the freedom of information, I have received a series of documents, but I still can't find the background to it. We were consulted as an industry in January 2021. We strongly advised against the transition because it created a grey area and it created a unique situation or a unique legislation in Australia. None of the major brands—I shouldn't say quality, but none of the major brands in Australia provide a bike to 500 watts in New South Wales. Australia is a very small market, when it comes to e-bikes, in the world sense. New South Wales is an even smaller market, and it is a challenge to actually provide the correct wattage to different jurisdictions across the country. The major brands supply a single unit to every jurisdiction in Australia. They do not mix across it. So if you buy a Trek, a Giant, a Specialized or whatever, they will be 250 watts in New South Wales.

The brands that do provide 500 watts are generally your smaller and, I hate to say it, more flexible brands, but they're not the major brands. As a whole it limits the market, it provides a grey area for importation and sale. I understand that 500 watts for end of trip may be beneficial. We did recommend, if you're looking at an end of trip, to look at the European model. There is a defined category called the L1e-A, which is a specific cargo bike standard, which is 1,000 watts, so it's actually double. We did identify that and what they said was, "Please do not go to the 500 watt category." Obviously we've had that changed and no other State has followed. The other scenario there is at the point of import a bike, to be a road-legal e-bike, cannot be over 250 watts. Therefore, a bike to be imported at 500 watts, technically is against the importation legislation.

The CHAIR: It's all very confusing. As I think you said at the beginning, Mr McLean, in terms of enforcement as well for the police, or whoever else it is who is supposed to be enforcing this sort of thing—we've worked out it's probably the police—

The Hon. ANTHONY D'ADAM: They're just not going to get enforced.

The CHAIR: —it's not being enforced. What people are riding, very rarely, I assume, police are stopping people to have a look at the electric vehicles that they're riding.

PETER McLEAN: Very rarely, and the enforcement records highlight that. Just to add to that, the issue is strong bicycle tourism in southern New South Wales and northern New South Wales. You ride across the Murray River from Albury-Wodonga and you're then on an illegal bike, and the same with up into Queensland as well from northern New South Wales. In the ACT it's different as well. If there's really one thing that comes out

of it is to try to see how we can unify and standardise these regs, and not have this eight-country approach that we currently take.

The CHAIR: We were given something yesterday by the Pedestrian Council of Australia, which is quite extraordinary. It's a printout of an electric scooter available online from an Australian e-bike business, which has a speed of up to 120 kilometres per hour, 240 kilometres range, 5,000-watt peak motor, \$5,350. That doesn't meet any Australian standard either, obviously, but is still available for sale. I think that's what you're saying in terms of something needs to happen to stop these things being available.

PETER McLEAN: Yes.

PETER BOURKE: Just to touch on that point, we currently have a situation where we have import regulations, which allow that to be imported. We have sale regulations, which allow that to be sold. We have road laws, which do not allow it to be used. In a similar way, I often use a comparison to a Formula 1 car. It's legal to import a Formula 1 car, it's legal to sell a Formula 1 car, it's legal to own a Formula 1 car, it's not legal to use a Formula 1 car. And, unfortunately, that bike is the same. I am dealing with a Coroner's report in Victoria where a guy died—I think it was 124 kilometres an hour on a unicycle. Unfortunately, we know the outcome. But we would love to see the limitation of those into the country, and the sale of those, obviously.

The Hon. ANTHONY D'ADAM: I want to ask a question around mandatory standards and whether you support speedometers on e-bikes and e-scooters. I'm not sure, Mr Bourke, whether you've put on record your position around speed limits, but if we accept that we want to have speed limits applying, then you need a speedometer on those devices so that the users can know whether they're travelling at a lawful speed or an unlawful speed.

PETER BOURKE: I apologise if I smirked at that comment. It does come back to 2016. The Federal department of transport banned the importation of all e-bikes that had speedos on them.

The Hon. ANTHONY D'ADAM: Why did they do that?

PETER BOURKE: Good question. It took three weeks for them to wind it back. Sorry, I didn't answer your question. To answer your question, yes, I am supportive of speedos, no dramas, but it does come back to the fractured nature and the fractured approach to the way we look at these vehicles, or these mobility devices. We need clear harmonisation across every jurisdiction if we're actually going to achieve the outcomes that this Committee is looking for.

The Hon. ANTHONY D'ADAM: We heard evidence earlier that in Queensland e-bikes, e-scooters and normal pushbikes are lawful to be used on footpaths. What's your position on that, Mr McLean? Do you think we need to loosen up the regulations around use of bikes of various types on footpaths?

PETER McLEAN: Absolutely. Given my infrastructure point raised earlier, we do not have the appropriate or safe level of separated or shared bicycle infrastructure in New South Wales, so we are very supportive of, in fact, loosening those regulations, just like we've seen in other States. There really is not a strong, inherent risk in these other States either. Currently I ride my bicycle on the footpath with my daughter, who is under the age of 16, because I'm allowed to do that. If you have a medical exemption, you can do that as well. If you are a beginner bicycle rider, you've got no option, so it's a really poor outcome for those beginner bicycle riders.

Those who are experienced don't want to ride on footpaths anyway because they are stop-start and they are slow to use. If we were to bring it into place, pedestrians must always have right of way; that's what footpaths are built for, and they should always remain that way. The other inherent barrier and limitation as well is with elderly and less-abled bicycle riders, of which we have many members. It is raised all the time with me that they do not feel safe, even if they are experienced, to ride on traffic-heavy roads. Where there is a footpath, they should certainly be allowed to do that—at a slow, very steady, safe pace, and giving way to pedestrians—because they don't have that alternative option and it is inherently unsafe for them to then share a traffic lane with fast-moving vehicles.

The Hon. ANTHONY D'ADAM: So in that circumstance, you'd support some sort of speed limit then, in terms of travelling on a footpath?

PETER McLEAN: Most definitely. That should be very low in that case, but always giving way to pedestrians as the primary priority as well.

The CHAIR: We are out of time. I thank you both for your very extensive submissions with some really great recommendations in there. The secretariat will be in touch if you've agreed to take anything on notice or if we have supplementary questions for you.

(The witnesses withdrew.)

(Luncheon adjournment)

Mr THOMAS CARR, Acting Director, Competition and Regulatory Policy, NSW Productivity and Equality Commission, affirmed and examined

Mr PETER ACHTERSTRAAT, AM, NSW Productivity and Equality Commissioner, NSW Productivity and Equality Commission, sworn and examined

Ms ANNA BRADLEY, Executive Director, Active Transport and Vibrancy, Transport for NSW, affirmed and examined

Ms SALLY WEBB, Deputy Secretary, Safety, Policy, Environment and Regulation, Transport for NSW, affirmed and examined

The CHAIR: Welcome to our next and final panel of witnesses for today's hearing. Would anyone like to make an opening statement?

PETER ACHTERSTRAAT: I have a couple of words. Thank you very much for the invitation to appear at this inquiry. My role as the NSW Productivity and Equality Commissioner is to identify opportunities to boost productivity growth in New South Wales and undertake reviews and publish evidence-based research. We do this in a number of ways. In relation to today's hearing, we did an omnibus white paper a few years ago, which covers a large number of topics, including e-scooters. We also do one-off reports in relation to specific topics. The one relevant to today is our review into regulating emerging technologies. Both of them were done a couple of years ago, so they may be a little bit out of date. I should make it clear that my submissions and research are not government policy. They are my own views. I note that the New South Wales Government has put in a separate review.

The basis of our report—it found that if we could have greater use of e-scooters in a safe, regulated way, it could improve productivity, getting people to the train station quicker and safer, reduce congestion and emissions and give greater access to transport, particularly to people who can't afford cars et cetera. We also focused in one of our reports on the first and last mile, which is the main area where we see productivity improvements. Instead of people taking the car to the station or the transport hub, if they take the e-scooters, there are less cars on the road et cetera. Sometimes, if someone were to get into the car to drive to the station, they think, "I might as well drive all the way into the city." This reduces that. We do have 2021 figures that show the dollar value. There are benefits in relation to reduced congestion and reduced times of travel. We do counter that with some of the costs in relation to health issues and things like that. That's about it for myself at the opening. I'd gladly take questions in due course.

ANNA BRADLEY: Thanks for the opportunity to appear before the Committee today. In my work as Executive Director, Active Transport and Vibrancy, I am obviously interested in active transport, vibrancy, placemaking, design quality and micromobility, especially e-micromobility, because it has the potential to help connect people and to move them between buses, trains, ferries and light rail. It has the potential to link people within and across communities to jobs, services, public spaces, town centres and places of interest. It supports social interaction in the outdoors, delivering wellbeing benefits. It can be a viable and efficient option for first- and last-mile freight.

Importantly, it can help us reduce our reliance on cars, reducing congestion and delivering sustainability outcomes. It can help community and individuals overcome transport and social disadvantage. We want to help people choose active transport and reduce reliance on cars, particularly for short trips, which we believe can change the way our cities and centres function, and help to improve the vibrancy and liveability of our public spaces. We also know through our research that there are a large of number of people already making that choice. Our research found that around 600 households in New South Wales own one or more of these devices—an e-scooter or an e-bike—and there are about 1.35 million devices across the State already. Some 20 per cent of people in New South Wales ride e-bikes already and about 11 per cent ride e-scooters. Interestingly, about 80 per cent think that e-scooters are legal or they're unsure about their legality.

To achieve the full benefits of e-micromobility, we know that there is work to be done and that there are concerns and risks. That is why we're exploring the key regulatory functions and the work that's underway within the agency. Our work and proposed policy settings are in draft form, and consultation is underway on these key pieces of reform—exploring the options for the safe introduction of e-scooters and exploring the regulatory regime for share scheme providers. So far, in shaping our policies for e-micromobility and understanding the issues, we've directly engaged and listened to representatives of at least 186 organisations. We've had two-way discussions, workshops and small group discussions and we've invited feedback through an online form and email. We've also thoroughly reviewed and assessed all the submissions made through this inquiry, and we've been listening intently over the last couple of days. We really do welcome this inquiry. The timing for us is great, as it can inform part

of the work we're already doing and intending to do, and the feedback through this process and from the Committee will certainly inform those proposed settings and regulatory options.

We also know that there's strong sentiment in parts of the community and strong views about the changes that e-micromobility could bring to our homes, communities and streets. As this Committee has already heard, there are strong sentiments as well from part of the community who have urged us to embrace and promote e-micromobility as a viable and safe transport option. This includes young people, people living in remote and regional locations, and people from lower socio-economic backgrounds. We acknowledge the real concerns that people have and the risks. We hope that today and through this process we can provide some confidence that we're working across government to address these complex issues, such as device standards, the rules for safe use, batteries, safe disposal of these devices, how we gather, share and use data and how we can work together to protect the amenity and space for pedestrians and other vulnerable road users.

As well, the varied sentiment reflects how complex these issues are. That's why we're working hard to coordinate across government agencies that also have a keen interest in this issue. That's why we've formed the E-micromobility Interagency Group, chaired by myself and Sally Webb, who joins me today. It brings together 15 other government agencies such as emergency services, Fair Trading, SafeWork, Health, the EPA and many others, and we are the working actively through these issues. We've also developed and published a New South Wales E-micromobility Action Plan, which outlines the 58 activities underway across government agencies to support e-micromobility as a safe, accessible and sustainable transport option for the people of New South Wales.

Paramount to our work across government is the need to support, enhance and enable community safety. Our work to reduce road trauma is never done. We need flexible, responsive regulation to help us maintain pace with emerging modes such as e-micromobility. When introduced well and supported by good regulation and policy, e-micromobility can be a safe, accessible and sustainable transport option. We need to take a safe systems approach. This means thinking about the built environment and infrastructure, the behaviour of people, the choices they make, the speed settings in our streets and the quality and standards of these devices. There's no silver bullet and we need to address all of these. Thanks again for the opportunity, and we really do welcome the feedback and findings of this Committee.

The CHAIR: Why has it taken so long, then, to regulate private e-scooters in New South Wales? They have obviously been purchased for a very long time now and we know that people have been riding them. Indeed, many people have been riding their private e-scooters, and it has been the biggest—everybody knows that it's illegal but they ride them because they're not caught. Why has it taken so long for the Government to look at regulating it? Is there a reason?

ANNA BRADLEY: I would say that the opinions, as you would have heard through this process, are very divergent. There are very strong views both ways, in support and not in support of the use of these devices. Our work in this space has been continuing since 2019 as an agency. Working with key stakeholders, the initial step with those stakeholders that we were working with was to establish an advisory group to enable the commencement of some trials. Those trials are now underway. Some of them are concluding and some of them have been completed. They have informed the policy and the work that the agency is now undertaking and has been quite focused on over the last 12 to 18 months. It has been a considerable and focused piece of work over the last 12 to 18 months to develop the policy options and the draft settings that have been published quite recently.

The CHAIR: You said it started in 2019, though, in terms of the work or recognising that this was an issue and you needed to look at what a regulatory framework looked like.

ANNA BRADLEY: Yes.

The CHAIR: That's four or five years, and now there's a briefing paper. What's the timeline for this? If, ultimately, the State does legalise, if you like, private e-scooters and set up a regulatory framework for a range of things, what's the timeline for getting all this in place?

ANNA BRADLEY: The timeline is a decision for government. We're working to provide policy advice to government so that they can make that decision.

The CHAIR: What deadline has the Minister given you?

ANNA BRADLEY: I'm not aware of a deadline but, as I said, we've been developing this work over the course of the last 12 to 18 months. We've been working with the Minister and her team in providing that advice that we've developed through that work.

The CHAIR: If there is no deadline, what's the next step? There is a briefing paper that the Pedestrian Council of Australia tabled yesterday for the Committee that was from the Road Safety Advisory Council on

11 September 2024, and there is the draft action plan, I think, online. That might have the next steps in it, does it, in terms of time frames and deadlines for feedback?

ANNA BRADLEY: The time frames are not confirmed because it is a decision for government. But we published the draft settings and then obviously there's this inquiry. We're really hoping to gather input and feedback through this inquiry to further inform those policy settings that we published for consultation.

The CHAIR: What would your recommendation be for parents this Christmas? There are a range of different things around various e-bikes and e-scooters and whether they're legal or not in terms of the speed and what they can do. Broadly, around buying an e-scooter, has the Government put out messages at this point that they're illegal?

ANNA BRADLEY: E-scooters are currently illegal. Our website and all of our materials reflect that. I can't advise on timelines because they're not confirmed.

The CHAIR: So we don't know whether anything would happen in terms of them being legal for Christmas. Is that fair?

ANNA BRADLEY: Yes.

The CHAIR: Councils have been asking for greater powers to cap the number of devices in terms of shared bike schemes. They've been asking to be able to cap the numbers of operators and bikes. I didn't realise that they really didn't have any control in that area. Why has the State Government refused to act? Where can the State Government step in in that situation, firstly, and why hasn't the State Government done anything?

ANNA BRADLEY: Part of our work is looking at the regulatory settings around the shared-scheme operations, and we've also consulted on that. The e-scooter legalisation proposal and the share scheme kind of go hand in hand because if scooters are legalised then there will be share-scheme e-scooters operating on our streets.

The CHAIR: It's the shared bikes I'm particularly—

ANNA BRADLEY: Shared bikes?

The CHAIR: Yes.

ANNA BRADLEY: We've been also doing a piece of policy work looking at the shared-scheme framework for the operation of shared schemes, acknowledging that at the moment there isn't really a regulatory framework that applies other than the Public Spaces (Unattended Property) Act. Essentially, in this State at the moment, if you wanted to put a number of share-scheme bikes on a footpath anywhere in the State, you can do so without agreement or licence. That's the piece of work that we're looking into.

The CHAIR: I will come back to that.

The Hon. MARK BANASIAK: Can I just pick up on the Chair's questions around the briefing. What speed limits did safety experts from the New South Wales Centre for Road Safety recommend for e-scooters on shared paths prior to you creating this briefing? That might be a question for Ms Webb.

ANNA BRADLEY: I'm not aware of specific advice from the Centre for Road Safety around the e-scooter settings except to say that we're working as an integrated team across Sally's group, safety experts and our group to develop the guidelines and the proposed settings—so the proposed settings that have been published. The speed settings are detailed in those proposed settings on our website. There is a number of factors that have gone into the development of those settings, not just advice from safety. Obviously that's the paramount issue but not just advice from safety, so looking at other jurisdictions, feedback, market research and independent evaluation as well of the shared-scheme trials.

The Hon. MARK BANASIAK: The evidence that we've received was that the Centre for Road Safety actually recommended a speed limit of 10 kilometres per hour, and then this briefing paper is recommending a speed limit of 20 kilometres per hour, and the rationale for it is apparently that some riders feel a bit wobbly at 10 kilometres an hour. If we talk about other jurisdictions which you referenced, Queensland dropped to 12 kilometres per hour because of an increase in traumatic crashes; Victoria is at 10 kilometres an hour. I'm interested in the advice that you've used to formulate a proposal to have 20 kilometres an hour speeds in shared zones. Are you able to, on notice, table that advice on what you're basing that speed limit on given that it differs from other States and, from the evidence we've received, actually differs from the Centre for Road Safety?

ANNA BRADLEY: Yes. I will take on notice what we can table, but I can answer some of your question, if you would like, specifically with respect to the speed settings. I'm aware of the information put forward by one of the committee representatives around the 10-kilometre zone. I believe that was in relation to shared zones—not shared paths—which are distinct from shared paths. Shared zones are sort of that mixed environment

where you might have a high pedestrian activity zone. I'm trying to think of an example—cars, bikes and people all in the same precinct, and typically there's a 10-kilometre speed limit applying to them. But what's detailed in our proposed settings is the speed limit that would apply to a shared path, which is a footpath that also allows bicycles and e-bikes, which is different to a shared zone.

The Hon. MARK BANASIAK: If we are going to go to a legislated speed, regardless of whether it's a shared path, shared zone—sort of splitting hairs here—does that mean you are going to regulate the use or mandate the use of speedometers on these devices so people can actually have a true sense of how fast they're going? It's pretty hard to gauge if you don't.

ANNA BRADLEY: It's one of the things we're looking at, those minimum device standards such as speedometers, bells, lights, helmets et cetera—the minimum standards that we would require for the devices to be used. Referencing the speed zone information, just to confirm the speed settings are a combination of advice and feedback and research and not singularly focused on one piece of feedback or the like, and to confirm that Sally's team in safety are involved in those advice and settings.

SALLY WEBB: Just to add, one of the jurisdictions that we've aligned with in those settings is Victoria, which has a permitted maximum speed on shared paths of 20 kilometres an hour. In Western Australia, that's 25 kilometres an hour; in Tasmania, it's 25 kilometres an hour; and in the ACT, it's 25 kilometres an hour. You mentioned Queensland, which has a lower setting. We're aware that it's important to get that alignment. Victoria is a neighbouring jurisdiction with a similar environment to New South Wales.

The Hon. MARK BANASIAK: The concern was raised with us in a previous session about those border towns where people are using it for ecotourism. They travel across the border and are suddenly breaking a rule that they didn't necessarily know. In the last session, we also heard about this initiative where you increased the e-bike capacity to 500 watts from 250 watts. People within the bicycle and e-bike industries can't fathom or put their hands on where the advice came from to do such a thing. They believe it's caused confusion within the industry, and confusion with the users, regarding this 500-watt e-bike capacity. I'm wondering if you could come back to us as to where the advice came from. I believe it was Mr Stokes—Minister Stokes, at the time—who made that decision. I'm just wondering what was the advice around that decision, because no-one from the industry can put their hands on why that was done. They say it's causing issues.

ANNA BRADLEY: We'll come back to you on what advice informed that decision.

The Hon. NATALIE WARD: Thank you all for coming along and for your submissions and work for today. I want to go to the interagency group that I think you mentioned. I think you said consultation is underway for that. Are you able to take on notice, perhaps, to provide details on what precise consultation has been undertaken, including what format it was in and what dates that was held?

ANNA BRADLEY: Sure. I've actually got a document we would like to table, which is a summary of all the engagement we have undertaken to date in relation to e-micromobility. I can quickly, if you want me to, read out some of the highlights of that document.

The Hon. NATALIE WARD: That would be great, thank you. That's helpful. With the interagency group that the Government set up, did that interagency group approve the announcement for the e-scooter reform that the Minister announced on Monday?

ANNA BRADLEY: No.

The Hon. NATALIE WARD: Did it have any input?

ANNA BRADLEY: The interagency group has had input into the action plan and the parliamentary submission, and we have shared with them and briefed them on the proposed settings which are currently the subject of consultation and feedback with respect to both shared schemes and e-scooters.

The Hon. NATALIE WARD: To go to my colleague's question around the speed limit, did the Centre for Road Safety approve that speed limit for e-scooters, or is that a policy decision?

ANNA BRADLEY: It's a policy decision and a decision for Government, but we are seeking the advice of safety experts in developing those policy options.

SALLY WEBB: I might just add to that. The Centre for Road Safety is within my transport safety branch. Members from the Centre for Road Safety and transport branch are members and a part of the interagency group.

The Hon. NATALIE WARD: Okay, but just to be clear on the speed limit that was announced, that's a policy decision for the Government to take. It wasn't approved, inputted on or signed off on by the Centre for Road Safety. Is that correct?

SALLY WEBB: Centre for Road Safety includes policy officers. The settings that have been suggested or taken to Government include advice around settings that have come from members of the Centre for Road Safety.

The Hon. NATALIE WARD: Sure, but my question is a little bit more specific than that, Ms Webb. Did they approve that speed limit? On that announcement, there was a specific speed limit. Did they approve or did they provide any clear advice regarding the speed matter?

SALLY WEBB: I think it's fair to say they provided advice. The safety settings are very much—what we're trying to achieve, or government is trying to achieve, is mobility with safety at the core. It's not possible to look at one setting in isolation. The safety policy team has been providing advice on all of those settings.

The Hon. NATALIE WARD: When did they provide that advice?

SALLY WEBB: That advice has been provided over months. In fact, I would say years; since 2019.

ANNA BRADLEY: We've got internal working groups that feed into the EIG as well at the intergovernmental level.

The Hon. NATALIE WARD: I want to be clear about this. They didn't provide specific advice or approve the announcement on Monday, but you're saying over time they have provided advice over many years. Could you just be clear so that it's more black and white. What was their advice?

ANNA BRADLEY: The policy settings that have been developed are based on the advice from our internal experts, feedback from the trials, a lot of work and analysis looking at other jurisdictions, and also there's some broader policy considerations around compliance. One of the key pieces of advice from our safety experts is the extent to which we can achieve consistency in the settings that will support compliance with the speed limits.

The Hon. NATALIE WARD: What did the Centre for Road Safety say about the speeds?

SALLY WEBB: The policy team, which includes members from the Centre for Road Safety, has provided advice regarding a range of speed settings, in different scenarios.

The Hon. NATALIE WARD: I think you're answering a slightly different question to what I'm asking, so I'll just be clear about what I'm asking. What was the Centre for Road Safety advice on this speed setting?

SALLY WEBB: Obviously, with increased speed comes increased trauma, and that, of course, has been part of their advice. They have articulated the specific features of e-scooters with their lower centre of gravity, their small wheels et cetera. They have provided us with data regarding the trauma profile, and they have provided advice regarding the different speed settings in different jurisdictions.

The Hon. NATALIE WARD: What was their advice in relation to the specific speed setting for the Monday announcement?

SALLY WEBB: They have provided advice on a range of speed settings in different environments, and their advice has been very much not looking at one setting in isolation, but looking at the package of safety settings as part of this initiative.

The Hon. NATALIE WARD: What was the speed number that they—I get it's complex; I get there are a number of settings; I get there are different areas and different jurisdictions. But what was their advice on the number, the speed, that they recommended?

SALLY WEBB: We have recommended speed settings in different environments. On shared paths, it's 20 kilometres an hour; on roads, it's 20 kilometres an hour. The speed limit of the road is 50 kilometres an hour. In those shared areas, there is opportunity to go to 10 kilometres an hour, where that's signposted.

The Hon. NATALIE WARD: That was the Centre for Road Safety's specific advice?

The Hon. ANTHONY D'ADAM: Point of order: My point of order is about procedural fairness. This line of questioning is premised on an assumption of the role that the Centre for Road Safety is playing as a sort of independent institution. I think the way it's been described by Ms Webb is that representatives from the centre are integrated into the policy formulation process. So repeatedly asking this question is being unfair to the witness. The witness has answered and explained the relationship that is in existence, and the continual framing of the question is actually prefacing the answers.

The CHAIR: I don't uphold part of your reasoning for taking a point of order, in terms of the Centre for Road Safety. That isn't part of it. However, I remind Ms Ward that witnesses are allowed to take questions on notice. If they've responded multiple times to the same question, it's best to move on to a different topic. Of course, don't badger the witness and treat them with respect. I believe you are treating them with respect, but just a note of caution. I will allow you to continue with a couple of questions and then we can come back to you later after other members get their go.

The Hon. NATALIE WARD: I, in no way, mean any disrespect to anybody, as always, but I would submit, with respect, that it's a fairly straightforward question which I was giving the witness the opportunity to provide clarity on: What was the number that the Centre for Road Safety gave? It's a very simple question. But if we don't have clarity then that will form part of the view that I would take of that evidence. I was providing the opportunity to clarify. If you'd like to take that on notice, Ms Webb, in relation to a specific number, I invite you to do so. I might ask it this way: Did the Centre for Road Safety provide advice that it should be 20 kilometres per hour on shared paths?

SALLY WEBB: The policy team within the transport safety team, which is part of the Centre for Road Safety, have provided advice regarding the impact of different speed settings. They have advised that, of course, the trauma profile from a speed setting of 10 kilometres per hour is going to be lower than the trauma profile with a higher speed setting.

The Hon. NATALIE WARD: Based on that—that was a little bit more specific—I might ask it again. Did they provide advice for 20 kilometres on shared paths?

SALLY WEBB: They have given us advice regarding 20 kilometres an hour regarding the consistency with other jurisdictions and putting in a safe-systems approach, which has a range of settings. The idea is to provide a mobility option for the community with safety at the core, which includes a range of safety settings. I will go back and speak to the team, as you've requested, and take on notice whether there's any specific document in which a different number has been provided over time. I do know—and, Anna, you might speak to this further—that the shared schemes originally started with a speed setting of 10 kilometres per hour, so I'm sure, at some point, advice has been given regarding that setting as well.

The Hon. NATALIE WARD: It's not a trick question. We're just trying to reach on what [inaudible]. It's 20 kays. We know that was announced. We just want to know who advised that and what the basis was. Did they ever say that the speed that they believe is appropriate—if you need to take that on notice, that's fine too—for shared paths is 20 kilometres?

SALLY WEBB: The role of the Centre for Road Safety—those policy advisers within transport safety—is to provide advice. They provide advice that's informed by data and that's informed by research that looks at benchmarks across other jurisdictions.

The CHAIR: Ms Ward, maybe one or two more questions, but I need to throw to the Government.

The Hon. NATALIE WARD: Can I go to your submission? Your submission states that—and I'm quoting from the submission—you're investigating a review of the Roads Act 1993. This is new terminology that I'm not quite familiar with; I haven't come across that before. What specific steps are involved to investigate a review?

SALLY WEBB: In terms of road user allocation and various aspects of the Roads Act that will provide more flexibility, that is a policy review that the team is undertaking.

The Hon. NATALIE WARD: So that's already commenced?

SALLY WEBB: That is soon to commence.

The Hon. NATALIE WARD: What follows from it's "soon to commence", the investigating of our review? I assume the review itself?

SALLY WEBB: Correct.

The Hon. NATALIE WARD: When will the review itself commence?

SALLY WEBB: That is at the beginning of a piece of work to review the Roads Act. It is a piece of legislation that was enacted a long time ago. It's been amended many times. There are government settings in there.

The Hon. NATALIE WARD: I think that's a different point, though. With respect, I think that's the review itself. But your submission talks about investigating a review. I know the Roads Act. I know where it's

come from. I'm just interested in your sentence in there about investigating. When will the investigation of the review commence?

SALLY WEBB: Investigation of the review has commenced, and the review of the Act is at the beginning phase of commencement.

The CHAIR: Ms Ward, we will go to Government members now.

The Hon. ANTHONY D'ADAM: I might start by asking whether there's anything specific you would like to elaborate on arising out of the previous rounds of questions?

ANNA BRADLEY: I can speak to the proposed settings, if you would like.

The Hon. ANTHONY D'ADAM: Yes.

ANNA BRADLEY: I reiterate that they are proposed, and we were very keen to publish them so that the inquiry could consider them and so that participants in this inquiry could consider them as well. We've also undertaken some fairly extensive consultation on those settings as well to inform ourselves.

The Hon. ANTHONY D'ADAM: Do you want to table? I think you have a document there.

ANNA BRADLEY: I have a document that I would like to table, which is that summary of engagement to date. I will just note that the proposed settings are on our website with some information about why that's that particular setting. But I know the speed limit is an area of concern for everyone, ourselves included. I think we've heard a variety of views—no doubt, you have as well: I know you have because I've been listening—but, essentially, there's a multitude of factors. Really, one of the things we are looking at—with all forms of legislation—is consistency and clarity, so having that consistency across zones and absolutely allowing councils to signpost otherwise for high pedestrian areas or really busy paths. If you can think about recreational spaces where you might have a promenade, you might want to signpost lower. Certainly, that's happening in other jurisdictions where these devices are legal and absolutely through the shared schemes as well, through the geofencing, those speeds automatically change with most devices now. As you transition into different speed zones, the devices automatically slow.

That consistency is really important to get compliance, but another big factor—and I do acknowledge the concerns, particularly from our most vulnerable road users, so pedestrians, pedestrians with physical disabilities, vision impairments and the like—is the legitimate concern that their perception of safety is real. There's another safety element that we've thought about as well, which is if we make those speeds too low, then people will be encouraged to ride on the road, which we also don't want to encourage. So it's finding that balance, and we're not saying that we've found it yet. We absolutely want to hear from everyone. That's where we landed on the proposal for consultation, and really welcome feedback.

SALLY WEBB: Just to add to that, the suggested age limit is part of that equation as well, around getting that balance of settings to encourage safety. We know that younger ages have poorer motor coordination and cognitive development, so that feeds into setting a proposed age limit of 16 years.

The Hon. ANTHONY D'ADAM: There have been a number of trials. Are you able to elaborate on how the data from the trials has informed the settings?

ANNA BRADLEY: Yes. We've had eight trials, I think, since 2022. I'll need to check my numbers but eight trials. There are four that are active. Some have completed, some are continuing, some have extended—I think over 500,000 trips. Through that process of the trials, we're collecting data about, obviously, usage but also data around incidents and sentiment. Then we've also commissioned an independent evaluation of those trials. Plus for each of the trials that have been established, we've got local working groups with the council, with Health, with the police, so we're making sure we're checking in to get the feedback, both qualitative and quantitative, to inform our work in the policy space.

The Hon. ANTHONY D'ADAM: Licensing and registration is another issue that's been canvassed quite extensively in the inquiry so far. Can you perhaps give us some views about what that might achieve?

SALLY WEBB: The settings that are proposed would not see licensing or registration. As part of the work that we've done, we've been trying to explore how we can best enable and promote e-micromobility. We're very keen not to introduce red tape unless it's going to contribute to safety. There are no comparable jurisdictions across the world that require e-micromobility riders to hold a driver's licence and there are no jurisdictions in Australia that require that registration and licensing. We note that to do so would increase the administrative burden and costs for both riders and for government. That's why it's not proposed to introduce registration and licensing.

I do note, however, that this issue was considered by the New South Wales Government in 2015 in relation to a cycling safety roundtable, which looked at policy issues and options for safety and compliance for bicycle riders in New South Wales. That roundtable included government agencies, industry associations and community groups, including police, the motor accidents insurance regulator, the NRMA, Amy Gillett Foundation, Bicycles NSW and the Pedestrian Council of Australia. The roundtable looked at a range of strategies to increase bicycle rider compliance and that safe interaction between bicycle riders and other road users. It also looked at the option of licensing and registration. Following a review of the evidence—the cost, the complexities—it was considered that registration outweighed any potential safety benefits. So it's obviously an area that we've proposed. The proposed setting is in the proposal that's been tabled.

The Hon. ANTHONY D'ADAM: Can I ask about the e-scooter trials and perhaps the misalignment between a perceived risk and actual risk. Maybe you could throw some light on that?

ANNA BRADLEY: We have had, as I said, quite a large number of trips. Wollongong has probably been the busiest trial. I think the topography and attractions that it's connecting have meant it's been really popular in that location. I will correct myself. Earlier, I think I said 500,000; I overstated. It was 356,000 trips taken. Over 80 per cent are saying they will definitely use or will probably use a shared e-scooter again. In particular, in Wollongong we're seeing average trip lengths around 1.7 kilometres. The number of incidents overall for the trials, not just in Wollongong—I think Wollongong was around five serious incidents—was eight serious incidents. Importantly, and I will again acknowledge the concerns and the perceptions around safety and impacts to pedestrians, we've had a very low rate of incidents involving other road users. The majority of incidents are for the person using the device, and 99.9 per cent of the trips taken through the trials have been incident free.

SALLY WEBB: I could add to that that data from Queensland and Victoria suggests that pedestrian casualties are between 1.5 to 3.5 per cent of those involved in PMD crashes.

The Hon. ANTHONY D'ADAM: Can I ask about mode shift. Can you perhaps talk asked through what else has been done in relation to mode shift?

ANNA BRADLEY: Similar to other parts of the network, like the road network and the public transport network, we take an integrated view. It's about how all of these modes work together, not focusing on a single mode. We're particularly interested in e-micromobility; in that respect, the ability to connect—the first and last mile connect to public transport—and to really change our relationship with the car. What we're seeing at the moment through our research is, on average, 34 per cent of e-micromobility trips are replacing car trips. That's pretty significant. Also what we're seeing, importantly, are bigger changes in other sections of the community. For youth, for instance, we're seeing a really high uptake for overnight and shift workers; people between 18 and 29, 22 per cent of them are using their devices overnight. We're seeing women with an increased uptake in e-bikes. About 26 per cent of bike trips are by women, but when we think about e-bikes it's something like 40 per cent or 46 per cent. It is really helping to address some of those barriers to active transport uptake through e-micromobility.

Then there's the broader question about mode shift and, as I mentioned, an integrated approach—a system-wide approach. It is not just about e-micromobility; it's about the infrastructure. There's a significant body of work underway through programs like Get NSW Active, Get Kids Active, our strategic cycleway programs, active transport specific projects that we're delivering but also a lot of enablement of active transport through major projects, and also working with government and across government to enable active transport through other projects and other initiatives.

The Hon. ANTHONY D'ADAM: Finally, can I ask about the experience around enforcement during the trials?

ANNA BRADLEY: Sally has got some information. Enforcement is a matter for New South Wales police. There has been enforcement through the trials, but Sally has got some specific information that New South Wales police are happy for us to share.

SALLY WEBB: Police have undertaken a range of enforcement activities throughout the trials. They may be able to provide some additional data but, I can confirm that, in October, traffic and highway undertook an operation focused on e-scooters and unregistered motorcycles in Dubbo. As part of that, 10 children were detected riding e-scooters, and there was education undertaken with parents regarding safe and lawful use. In September, traffic and highway undertook mobile and stationary enforcement within the George Street light rail corridor and inner west and eastern suburbs, and there were 49 infringements and 36 cautions issued as part of that. That also included the provision of brochures regarding safe and lawful use. In May, traffic and highway and youth command in Wollongong, together with Neuron, in relation to the share scheme trial in Wollongong, undertook a

high-visibility operation in Wollongong, Woonona and Bulli focusing on safe and lawful use. There were 40 users engaged, 22 cautions and 11 infringements issued.

The Hon. ANTHONY D'ADAM: Can you perhaps elaborate on what is proposed for enforcement under the proposed settings?

SALLY WEBB: What we know is that most people want to do the right thing but, at the moment, there aren't clear guidelines around safe and lawful use. The law is that e-scooters are not lawful on public roads, but we know from research that we've undertaken that that's not well understood by the community and, in the absence of regulation, we're seeing unsafe norms developing organically. So one of the reasons behind the advice we've given to government is to help people do the right thing by providing a setting that provides a balance around safety but also enabling e-scooters as a mobility choice and all the benefits that come from that, including equity opportunities but also reduced pollution and those various health benefits.

The CHAIR: I will go to you in a moment, Mr Achterstraat, but I just need to pick up on that. This inquiry is interested in e-scooters, of course. In relation to e-bikes and road rules, clearly there are rules—in fact, we were just talking about it during the break—for example, with bikes, not to ride bikes on footpaths. But not many people know that that is illegal. As we know, a lot of people have been riding the private e-scooters and there has been no enforcement. Mr D'Adam just asked about enforcement, so it's not a matter of guidelines; it's a fact that the current rules aren't being enforced. A lot of witnesses have said that. We did try to get the police here today and I must admit it was at very short notice.

Is there any move by the Government with this policy to enhance the education around existing rules for people, firstly, and then enforcing it? If people think they can get away with it, which is clearly the case—I'm not somebody who is trying to reduce the use of e-bikes by any means; of course, I want more people to do it—it's really annoying people and it's dangerous that people are zooming past them at a very high speed on these e-bikes, for example. I don't think people realise that government isn't doing its job in terms of educating people about the rules, firstly. How is that going to be improved?

SALLY WEBB: The New South Wales Government, through the Centre for Road Safety website, provides probably the most comprehensive education around road safety for K-12.

The CHAIR: Is anything else going to happen in addition to what's already there, because clearly what's there isn't cutting through?

SALLY WEBB: We very much talked about education as part of the role of introducing new rules, and that's really critical to ensure that the community understands what the rules are and that you can get that self-regulation because people understand the rules. They want to keep themselves safe, their family members safe and communities safe. Very much there are a range—and you asked me for information; I can provide to you some current pamphlets. But very much that will be part of the package of the work that will accompany any legalisation—a lot of work around ensuring that the community understands the rules for both bicycles and e-scooters. It's also been part of the settings. When we've thought about our advice to government, e-scooters are a motor vehicle. From a community perspective we're trying to get that cohesiveness.

The CHAIR: Can it be expected that part of this action plan then will agree that there is a need for greater investment and rollout of education, because it needs a massive step change for the users of the vehicles to know what the etiquette is. People don't even know to ring their bell. I keep making this point, but people don't know to ring their bell now if they're on shared paths and they're passing people. There are not the signs; there is not the knowledge. If the Government is serious about active transport, local mobility, lots more people getting onto these devices, are we going to see a step change, or is it just a little—

SALLY WEBB: I acknowledge that feedback. Certainly our intention is to provide considerable community education and information to enable people to ride safely and comply with the rules.

The CHAIR: I'm going to throw to Mr Achterstraat, because you say in your submission, based on the report, "We need to introduce or could introduce a robust regulatory framework, learning from the experience of other jurisdictions." You're saying that some of them have successfully regulated e-scooter use. There have been, obviously, learnings from that. But what are some of your key recommendations to the Government around safety, education and rider behaviour? I'd be really interested in getting the Productivity and Equality Commission's views.

PETER ACHTERSTRAAT: Our research was done in 2021, three years ago, and our main proposition and recommendations were that, if we could get a greater use and a safe use of e-scooters, there would be productivity enhancements. At the time there were approximately 600,000 trips taken and our analysis showed that there was a marginal economic benefit on those 600,000, from reduced consumption, reduced petrol costs

et cetera. If regulations were implemented similar to the ACT and Brisbane, which have a slightly different speed than the other States—the number of trips, we estimate, would either increase to eight million or 10 million, then some of the savings would be more significant.

Our recommendations back in 2021 were fairly general, and that was that we needed to take appropriate regulations based on safety and efficiency, and we didn't delve into the detail about the requirements of enforcement or in relation to safety. I'm just pleased things are happening now. Back then we just flagged it as an issue. In relation to e-bikes, our main recommendations were that, while nationally it's a 250-watt regulation, other countries have 300, 750 or 1,000. Our recommendation is mainly around e-cargo bikes. So the delivery by Australia Post—those people—sometimes they could probably put a bit more on their e-cargo bike instead of putting it in the big truck. We're trying to get less trucks on the road. To answer your question specifically, our recommendations were, three years ago, at the high level, to please look at appropriate regulation.

The CHAIR: Finally, would you have anything to say in relation to when governments look at this—for example, separated cycling infrastructure and active transport investment in terms of infrastructure is always considered a blunt cost, as opposed to what I think you're arguing as well, which is that investment in that infrastructure will also pay off in terms of getting more people to feel safe—particularly in Sydney, I think, but in Wollongong and other areas—to ride, to get out of their cars, to do that last mile out of the car, so to speak. Is there a recommendation or should the Government be considering the economic benefits of greater investment in active transport infrastructure, as well as just the cost?

PETER ACHTERSTRAAT: Our report back in 2021 didn't specifically go into the infrastructure but, as a broad concept, I can say that public sector agencies should look at benefits and costs. If investing in infrastructure can be shown, with a good business case, that benefits greatly exceed the costs—and you would have to look at other factors as well—but I think business cases should look to establish that.

The Hon. MARK BANASIAK: I might go to Ms Bradley to pick up on either your opening statement or your response to a question from the Chair around scooters being illegal. This was raised in the previous session. They are illegal but they can still be sold in New South Wales shops. Where is the disconnect in legislation that we need to fix, so that types of e-scooters or e-mobility devices that we don't accept will meet the future standards won't be sold in New South Wales shops? For example, gel blasters are illegal in New South Wales, but you can buy them in Queensland. Clearly there are mechanisms where you can ban the sale of items. Why haven't we been banning the sale of these items?

ANNA BRADLEY: As per my opening statement, we think there are about 600,000 of these devices in households in New South Wales, plus more when you consider commercially operated devices as well. The research suggests that 80 per cent think that they are either legal or they are not sure. Part of why we need to regulate is because of that misunderstanding and the inability to give people clear advice around how to use devices when they are currently illegal and what they can and can't purchase. This is something that the inter-agency group specifically looked at. Fair Trading NSW recently published a new standard for e-devices around safety and what those devices should be. We're also looking to the Commonwealth Government about what can be done at a Commonwealth level—

The Hon. MARK BANASIAK: Just going to Fair Trading; you might not be able to answer this or you can take it on notice. How many resources have been dedicated from their office to actually enforce those standards that they have put in place; proactively going out to check shops to make sure that what is being sold meets those standards?

ANNA BRADLEY: Yes, that's probably a question for Fair Trading. I can only speak to their participation in the working group. They have been quite proactive in developing that standard and putting it out.

The Hon. MARK BANASIAK: Ms Webb, you talked about education and you said it's a fairly comprehensive program. I taught for 18 years. I'm aware of the Transport for NSW website that deals with this. Half a dozen web sheets for different stages, is not what I would say is comprehensive. How do you draw teachers' attention to those resources and how do you get feedback as to whether they're utilising those resources? How engaging they are and how successful they are is the question.

SALLY WEBB: I would draw your attention to page 15 of the action plan, where we set out the initiatives that we're taking, also with police and education, just regarding ensuring that the right resources are in place to support any changes. But in terms of existing information, there is the Safety Town website that we have, which provides information.

The Hon. MARK BANASIAK: That's primary.

SALLY WEBB: Then we also work with the curriculum designers at the Department of Education to build comprehensive resources for K-12 into their curriculum. I will take on notice how much of that is on the website versus separate from the website.

The Hon. MARK BANASIAK: How do you know if it's actually being utilised or not? Obviously, teachers are very busy.

SALLY WEBB: It's part of the PDHPE curriculum for older—we also have a program of getting road safety information into preschools as well.

The Hon. MARK BANASIAK: It's part of the syllabus, yes, but your resources aren't necessarily mandated. Teachers can come up with their own resources. I am wondering if you have ever gotten feedback as to whether they are age appropriate, targeted well, suitable, engaging, and all those sorts of things? If it's not engaging, then you're not hitting your mark and you're not reaching the kids that you need to. That's my point.

SALLY WEBB: I know that we do ensure that they are pedagogically sound materials that have been developed. But I understand your question and I'll take it on notice to provide further information regarding that.

The Hon. MARK BANASIAK: Mr Achterstraat, how did you come up with the \$87 million figure in terms of the proposed net economic benefit?

PETER ACHTERSTRAAT: We commissioned the Centre for International Economics to do a review. They took into account certain assumptions in relation to what the regulations could be and what usage could be picked up. They put dollar figures on items such as the reduction in travel times for people to get to the train station. They put dollar figures on the congestion et cetera. They also did put some dollar figures on some negative things such as health issues in relation to less people walking and using e-scooters. They were fairly comprehensive in relation to the economic analysis of the dollars. That 89 figure is in relation to the higher end, and that was assuming, at the time, 10 million trips, whereas the more conservative one of eight million trips gave a lower figure. Hindsight three years later suggests that while we were basing our existing status quo on 600,000 trips, these days it is a lot more than that.

The Hon. MARK BANASIAK: I'm curious because we've heard throughout this inquiry that there's a huge lack of data on a lot of these things. Even the councils that have done the trials have said they don't know how many people are substituting a car trip with a scooter trip or an e-bike trip. So I'm curious as to whether you can table any data that gives us a bit more understanding of that sort of stuff, because all the witnesses we've had haven't been able to place their hands on any of that.

PETER ACHTERSTRAAT: I'll look to see, Mr Banasiak, if we've got further data, and we can table that out of session.

The Hon. MARK BANASIAK: Back to you, Ms Bradley, or anyone, this question is around the budgeting or projected costs of infrastructure. Obviously the councils have all said, "Yes, we want this but we don't want to pay for it." Someone has to pay for it. What work is being done to work out how much this is going to cost in terms of enabling infrastructure, bike shared paths or separate lanes et cetera? And is there any work being done on a co-contribution scheme, perhaps, with private providers or whether there's a levy at the sale of these e-bikes that contributes to the funding of infrastructure that benefits the user?

ANNA BRADLEY: To your earlier question, I do have some preliminary data on mode shift and what the e-micromobility use is.

The Hon. MARK BANASIAK: Could you maybe table that or provide it on notice?

ANNA BRADLEY: Sure. That's no problem.

The Hon. MARK BANASIAK: I'm just conscious of other people's time.

ANNA BRADLEY: To your question regarding infrastructure, we have a program. It's a continuing, rolling program—Get NSW Active. It's specifically about local cycling and walking connections. It's where we run a yearly process. Last year \$60 million—

The Hon. MARK BANASIAK: Councils have indicated that's inadequate.

ANNA BRADLEY: There are 88 projects in this year that are delivering immediate benefits for communities to walk and cycle. Another layer to that is Get Kids Active, so 30 projects this year around schools to help kids walk and cycle to school. That is in addition to behavioural change programs that feed into that and in-school infrastructure, such as bike skill program courses that we run over the holidays and things like that.

The Hon. MARK BANASIAK: I'm more talking about the projected increase in the need. Any work that has been done in that space would be good.

ANNA BRADLEY: Yes.

The CHAIR: Had you finished your answer?

ANNA BRADLEY: That's what we're doing around local walking and cycling connections. We've also got a significant program of work around strategic connections—the things in between, like bike parking. We're doing a lot of work in that space. I think we've delivered 1,200 bike parking spaces through our Safe Accessible Transport Program already, plus, with the opening of city and south-west metro, another 1,000 bike parks delivered through major projects as well. That is the network level, the strategic cycleway corridors; the local level, the walking and cycling, and all the stuff in between, as well as behaviour change programs and education that we're doing in relation to active transport more broadly, not just not e-micromobility.

The Hon. NATALIE WARD: In relation to the interagency group, can I come back to that in your submission, which helpfully sets out some work being undertaken, from page 20 onwards, about the action plan and addressing key issues urgently. Thank you for that. It has a number of tables there. So far, that's a lot of dot points and a lot of work being undertaken in that submission. I'm interested in when those actions will be completed.

ANNA BRADLEY: Was there a specific action that you wanted us to speak to?

The Hon. NATALIE WARD: Yes, all of them. I'm not being tricky.

ANNA BRADLEY: There are 58 actions in the action plan, so I'm just hoping to focus on one or two of them rather than all of them.

The Hon. NATALIE WARD: Maybe this might be helpful: Could take on notice, for each of the dot points on tables 0-1, 0-2, 0-3, 0-4 and 0-5, and come back to us on when they're scheduled for completion?

ANNA BRADLEY: Sure. I will take that on notice. Apologies, I don't have the same references that you do in the version I have before me.

The Hon. NATALIE WARD: Sure. For those tables, there's a fair bit of action going on. When are they scheduled to be completed? If you could perhaps list those out, that would be helpful.

ANNA BRADLEY: Will do.

The Hon. NATALIE WARD: Is it correct that only two fines have been issued for e-scooter use during the trials?

ANNA BRADLEY: I'd have to take that question on notice, apologies. I don't have that data in front of me.

The Hon. NATALIE WARD: Sorry to jump around a bit; I'm just conscious of time. To clear off the interagency groups, who asked for that interagency group to be established?

ANNA BRADLEY: Transport for NSW sought to establish that group. We were already working with a lot of the agencies involved in that—15 agencies. We're a very interested stakeholder—arguably the most interested stakeholder—and so we took the initiative to establish that group.

The Hon. NATALIE WARD: So that wasn't a ministerial request? It was the department putting together those groups?

ANNA BRADLEY: It was an agency request with ministerial support.

The Hon. NATALIE WARD: But not requested by the Minister? I'm just interested in who initiated it.

ANNA BRADLEY: Not that I can recall.

The Hon. NATALIE WARD: In relation to the scooter trials, can we go to a couple of the e-scooter issues? In relation to the draft e-scooter rules, why is it safe for, say, an e-scooter to ride on Parramatta Road in peak hour going 20 kilometres per hour when other cars can go 50 kilometres per hour? The draft of the scooter rules say it can ride on a speed limit of 50 kilometres. Why can it do that going at 20 kilometres per hour when the other cars are going at 50?

ANNA BRADLEY: Just to clarify, in the trials the same setting was proposed for the draft settings if we were to legalise their use, so it's 20 kilometres in a road environment provided the speed limit is 50 kilometres or less. With each of the trial areas, we have done a specific look at the local road environment. Every context is

different. Really, the safety is around not just the speeds but the volume of traffic. A road like Parramatta Road would be less safe in that regard.

The Hon. NATALIE WARD: On those specific examples, William Street, for example, is 50 kilometres per hour. Why is it safe for an e-scooter to ride on William Street in peak hour going 20 kilometres an hour when every other car is going 50?

ANNA BRADLEY: We wouldn't advocate for higher speeds in road environments. We would advocate for separation where feasible.

The Hon. NATALIE WARD: What do you mean by that—a bike lane?

ANNA BRADLEY: Yes, bike lanes or other alternatives such as shared paths.

The Hon. NATALIE WARD: But the draft isn't delineating that. It is saying that the draft is 20 kilometres on 50-kilometre roads.

SALLY WEBB: If I could add to that, the higher the speed setting, the outcome of that will be an increased trauma profile. The reason for 20 kilometres an hour is considering the design of e-scooters and some of those features I mentioned earlier, compared with a bicycle, and proposing that the speed setting is 20 kilometres an hour.

The Hon. NATALIE WARD: Yes, that's what it says. You've now indicated that that would be requiring a shared path. It doesn't say that in the draft.

ANNA BRADLEY: It's saying that the shared path or separated path is preferable to road riding and acknowledging as well, to Sally's comment, that the proposed speed in road environments with 50 kilometres or less is 20 kilometres per hour.

The Hon. NATALIE WARD: Do you want to restate that? I'm not quite sure. I just want to be clear. For example, Marrickville Road is a 50-kilometre road. The cars can go at 50 kilometres an hour. I'm just wondering why it's safe for an e-scooter to be riding on that road in peak hour going 20 kilometres an hour when every other car is going 50 kilometres an hour, given that the draft rules say that they can ride on a road with a speed limit of 50 kilometres an hour and therefore can go on that road.

SALLY WEBB: It's undoubtable that e-micromobility riders on e-scooters are vulnerable road users. In a car, obviously you have that vehicle around you to protect you. Part of the safety setting is why we have a lower speed limit. If there is a bike path, that would be the appropriate place for an e-scooter to be riding, why it's important to wear a helmet and have those other safety settings. In the same way that a bicycle travels on a road, it's important that they wear a helmet et cetera.

The Hon. NATALIE WARD: I just want to be really clear. There's a draft plan, which I've read. The draft plan is essentially saying that when it comes online, scooters on William Street are legal. It's a 50 kays road. The plan says that they can be riding on roads that are 50 kays, so scooters would be legal on William Street.

ANNA BRADLEY: That's the proposed settings currently.

The Hon. NATALIE WARD: Could you just explain then how an e-scooter going 20 kays while a car is going 50 kays in peak hour is safe?

ANNA BRADLEY: I'd have to take on notice any specific safety advice about that particular scenario.

The Hon. NATALIE WARD: That would be helpful because, obviously, an increased trauma profile means more fatalities and serious injuries. As it presently stands, the plan is stating that scooters can go 20 kilometres an hour with cars going at 50 kays. It doesn't delineate that they must be in shared zones. No-one wants to hit an e-scooter. It's just not clear [disorder]

SALLY WEBB: Ms Ward, is your point that e-scooters should be using the bike lane on William Street? Is that your point? It should be mandatory?

The Hon. NATALIE WARD: No, my question is to you about your draft plan or the Government's draft plan. It's not my proposal. I'm just trying to understand why it is safe for a scooter to ride, for example, on William Street, which the draft e-scooter rules say you can ride on a road with a speed limit of 50 kays. A practical example, William Street is a 50 kays zone. Why does the Government say in its draft e-scooter rules that that's safe?

SALLY WEBB: In that scenario, a motor vehicle will need to keep a one-metre distance from the e-scooter, the e-scooter rider will need to wear a helmet. There is a bike path, so the e-scooter should be in the bike lane. They're the types of settings and choices that e-micromobility riders need to—well, that's the rules but

also there's a choice element around whether someone wants to ride on that path. We're trying to create settings that create a mobility option that is as safe as possible but recognising that e-micromobility riders are vulnerable road users and there is risk there for them from motor vehicles on that path, which is why we're advocating that 50 kilometres is the maximum for sharing the road and not a higher limit.

The Hon. NATALIE WARD: So just let's go to that then on the policy. What happens currently under these traffic rules if an e-scooter rider hits a car? What's the insurance position with that?

ANNA BRADLEY: SIRA, the State insurance regulator, are part of our interagency group and they are undertaking some analysis at the moment on those scenarios and providing advice on options and impacts.

The Hon. NATALIE WARD: So we have a draft plan. We don't have a position on what the insurance would be if e-scooters under the draft plan can drive 20 kays an hour on a 50-kay road. A practical example: they smash into a car, the window smashes and there are injuries. What's the present position of who's liable?

ANNA BRADLEY: That's a question for SIRA, but I confirm they are part of the group. We have been working with them, and the proposed settings will form part of their analysis.

The Hon. NATALIE WARD: Can you take that on notice?

ANNA BRADLEY: Sure.

The Hon. NATALIE WARD: We don't have SIRA here. It's a government proposal. It would be helpful if we could have an understanding of what that would be under this draft plan. Given the Government has said it's taking notice of the recommendations and findings from the inquiry, it would be helpful to have clarity on that position because we're talking about a draft proposal here. It would be interesting to see how that in a practical sense would take place. It might be that we need another hearing date to have those agencies here to answer those questions if needed. It seems that police, SIRA and others might be able to provide those answers to us. But in lieu of another hearing day, I'd be appreciative if you could take that on notice.

The Hon. ANTHONY D'ADAM: One of the questions that seems to have animated witnesses is around the aspect of parking for shared schemes. Why hasn't something been done about this already? What will the regulatory changes do to try to rectify the situation?

ANNA BRADLEY: I think it's fair to say that, with respect to the shared schemes, the parking issues and clutter have been one of the primary concerns, and hence we need to have some regulation in that space to enable land agencies to manage that. That's something that we're looking into as a part of that regulatory framework so that a local council, for instance, could stipulate the number of devices, where those devices can be and must be parked, device standards and so on. We mentioned that earlier. Transport for NSW has also commenced a pilot where we're rolling out what we call decals—for want of a better word, stickers—on the pavement outside of eight of our busiest train stations. They're specifically for the parking of e-micromobility devices in an attempt to reduce that street clutter and the amenity issues, but of course the impacts on access to the footpath as well, particularly for the more vulnerable road users.

The Hon. ANTHONY D'ADAM: Earlier I asked you about mode shift. Was there any data that came out of the trials around mode shift that you might be able to share with the Committee?

ANNA BRADLEY: There is. I might have to take it on notice, but I can talk briefly around mode shift more broadly, based on other research. We've got the trial data that we've evaluated, as well as market research. The data indicates around 34 per cent of e-micromobility trips are replacing private vehicle use. Importantly, some interesting analysis is showing that, in regional areas in particular, that replacement of car trips is a lot higher. I'll get the numbers and I'll make sure they're tabled, but I think it's closer to 40 per cent or 50 per cent for regional areas, and 30 per cent for Greater Sydney.

The other thing that's an interesting dynamic in regional locations is that they're replacing trips that wouldn't have otherwise been taken. That's certainly consistent with some of the feedback and qualitative analysis that we've received about people in remote and regional communities that may not have access to a car and may not have as good access to public transport—the opportunity that e-micromobility offers for them to connect and to get to school. We're seeing a higher proportion of mode shift in young people and some really interesting analysis, as well, around women, which I mentioned earlier, and also some more qualitative feedback from some work we've done working with the Northern Beaches Council and some of the school groups in that region.

Young women, in particular, say that it has transformed their lives. They're now doing two or three school sports a term instead of one. They've got part-time jobs and they're getting themselves to school. That really is having an impact on congestion in those local areas. In addition, some of the schools a few years ago maybe had one or two bikes parking at school on any given day. We're now seeing, in some of these beachside locations, the

number of bikes parking in the order of 200 to 300—so a significant uptake. The feedback from some of those groups was very positive.

The Hon. ANTHONY D'ADAM: Is there anything else that you would like to take the opportunity to put on record?

ANNA BRADLEY: I know there's been commentary from a number of participants around the real concern of impacts to pedestrians, and particularly people that are less mobile or may have disabilities. Whether they are perceived or real concerns, they're concerns and we acknowledge them. We've also heard from disability groups and disability advocacy groups about the opportunity with respect to e-micromobility and people who have disabilities that haven't been able to get a licence. I recall one gentleman in particular who said for 12 years he hasn't been able to get a licence and that this will transform his life. It will give him social connection and mobility like he hasn't known for the last decade, and I think that's a real opportunity. Again, it goes back to getting the balance right with the settings so that we are allowing that opportunity but, at the same time, acknowledging those perceived and real concerns through the settings to make it as safe as it possibly can be.

The Hon. WES FANG: I want to ask about the Centre for Road Safety. Were they part of the inter-agency group? I note that they're not listed in the submission on page 20.

SALLY WEBB: Mr Fang, the Centre for Road Safety is a brand within Transport. They are part of Transport and contributed to the EIG and are members of the working group. I'm on the EIG, as co-chair with Anna. I'm supported in that role by transport safety, and the Centre for Road Safety is part of transport safety. The various working groups that sit under have membership from transport Safety, including the Centre for Road Safety.

The Hon. WES FANG: But wouldn't it make sense to list them in that submission? Do they have just one delegate who attends? Who does the agency send to represent them in that interagency group?

SALLY WEBB: I'm just trying to think. Often it would not just be me; it will be members from my team who are in those interagency group meetings. In the different subcommittees—if it's the data one, it will be from the data team within Centre for Road Safety. If it's safety policy, it'll be et cetera from that speciality. That way we get—

The Hon. WES FANG: Who represents the Centre for Road Safety in that interagency group? Who is the delegate that they send?

SALLY WEBB: Me—sorry, that's an incorrect construct, with respect, Mr Fang. As I mentioned, the transport safety team is part of my division and so we work together on new initiatives, on safety issues and on policy development. We draw in the expertise from across the division that contributes and will add to any analysis. The members—those individuals will also consider themselves part of the Centre for Road Safety.

The Hon. WES FANG: The last question I have is around the trials themselves. The majority of them were done in regional areas, yet you're looking to implement those learnings across New South Wales. Do you think that the trial information you got from those regional centres is applicable to places such as the inner city, where, as my colleague mentioned, you've got a number of cars doing high speeds—50 kilometres an hour—and you've got e-scooters that are doing 20 kilometres an hour? Is there not a different risk profile in a regional area to one on Parramatta Road, William Street or around Marrickville, as my colleague indicated before?

ANNA BRADLEY: As I mentioned—eight trial sites, four that are currently active and we have had a trial running in Kogarah, but I will take your point about more regional than urban. However, I would say, even when we're thinking about inner Sydney, for instance, every context is different. What we're trying to do is apply settings that encourage the safest possible environment across all of those, which is always difficult, and I acknowledge that there's work to be done. We've got to start here, which is what we've done. Also, the scooters themselves—or e-bike riders, I should say—are vulnerable road users as well.

The Hon. WES FANG: That is my great fear. You're effectively allowing these devices to use the roadway. Are they going to lane filter? Do they have right of way on the lane? Is it going to impede the traffic flow that you would normally have, especially in peak hour? Is that going to frustrate motorists? Are we going to see this become a flashpoint and the road safety aspects haven't been properly thought through? That is my real concern here.

ANNA BRADLEY: I will take on notice the question to give specific safety advice with respect to that road environment, if that's okay, unless you wanted to add anything?

SALLY WEBB: I think I've already addressed that comment in relation to Ms Ward's—

The CHAIR: That's fine. We're at the end of our time anyway. Thank you very much for appearing today, for your submissions and for the work you do. The secretariat will be in touch about questions you've taken on notice and any supplementary questions members may have. That is the end of our hearings for now, noting what Ms Ward said before. It's certainly the end of today's hearing.

(The witnesses withdrew.)

The Committee adjourned at 15:00.