

20 November 2024

Portfolio Committee No. 6 – Transport and the Arts
Legislative Council
Parliament of New South Wales
6 Macquarie Street
SYDNEY NSW 2000

Dear Committee

Questions on notice: Inquiry into the use of e-scooters, e-bikes and related mobility options

During the Committee's hearing into the use of e-scooters, e-bikes and related mobility options on Thursday, 31 October 2024, we took two questions on notice.

First question on notice

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?

Our answer to this question is that the Justice and Equity Centre was not part of any such consultative committee.

Second question on notice

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 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.

Our answer to this question is that the following regulation should be considered:

- strengthening the prohibition of e-mobility devices on footpaths (noting the current prohibition has not adequately prevented riding on footpaths);
- speed limits on shared paths must be reasonable and protect the safety of pedestrians;
- mandating technology to improve safety, particularly for shared e-mobility devices, including:
 - acoustic alerting systems similar to Acoustic Vehicle Alerting Systems (AVAS) for electric vehicles;

- footpath detection; and
- geofencing and zone detection to create specific riding and parking rules based on the location of the e-mobility device;¹
- requirements to ensure safe parking of e-mobility devices;
- adequate enforcement of the regulatory framework to deter misuse;
- establishing an insurance scheme for third parties injured in an e-mobility accident to access treatment and compensation; and
- working with the Commonwealth Government to update the *Disability Standards for Accessible Public Transport 2002* (Cth) ('Transport Standards') to ensure the Transport Standards apply to e-mobility devices, as well as introducing new standards to ensure accessibility of the device itself and the infrastructure on which the device is used (ie the Transport Standards must promote accessibility of all footpaths, not just 'access paths').

Other states and territories where e-scooters have been in use for a longer period of time have subsequently recognised the need for additional regulation of e-mobility devices to improve safety and compliance.

Recently, the Victorian Government announced it would introduce legislation in 2025 mandating new technology for shared e-scooters, as well as introducing new offences and increased fines.²

The Queensland Department of Transport and Main Roads ('TMR') has developed an e-Mobility Parking Plan acknowledging that:

Accessibility for e-mobility users should not come at the cost of accessibility for other road and path users. Safe and equitable access to public space and transport is a fundamental right. This e-Mobility Parking Plan (this Plan) seeks to address this by setting out the tangible activities required to improve e-mobility parking and create more accessible and inclusive paths for all who use them.³

To investigate solutions for e-mobility parking, TMR established the e-Mobility Parking Working Group comprising a broad range of stakeholders, including representatives from disability advocacy organisations. In addition to solutions to designate e-mobility parking areas, introduce mechanisms for reporting poor parking, and increase communication and education for e-mobility users, TMR is also considering regulatory levers to improve e-mobility parking.

¹ See for example, Lime, 'Lime Introduces New Geofencing Technology, Setting Industry Standards for Scooters', *The Lime Times* (Web Page, 16 March 2020) <<https://www.li.me/en-au/blog/lime-introduces-new-geofencing-technology-setting-industry-standards-for-scooters>>.

² Premier of Victoria Hon. Jacinta Allan MP, 'Leading The Nation On E-scooter Safety' (Media Release, 19 July 2024) <<https://www.premier.vic.gov.au/leading-nation-e-scooter-safety>>.

³ Queensland Government, *e-Mobility Parking Plan* (20 December 2023) <<https://www.tmr.qld.gov.au/safety/road-safety/road-safety-strategy-and-action-plans/personal-mobility-device-plans/e-mobility-parking-plan-summary/emobility-parking-plan>>.

The NSW regulatory framework should be informed by initiatives in other jurisdictions and should involve people with disability in the development of the framework.

Thank you for the opportunity to provide a response to the above questions on notice.

Please do not hesitate to contact us at the details provided should you require further clarification or additional information.

Yours sincerely

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