

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

**Organisation:** Pedestrian Council of Australia Ltd

**Date Received:** 29 November 2024

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**From:** pedestrian.council@  
**Sent:** Friday, 29 November 2024 1:33 PM  
**To:** Office of Cate Faehrmann; Rasika Somaweera; Portfolio Committee 6  
**Subject:** CM: NSW Legislative Council - Inquiry: Use of e-scooters, e-bikes and related mobility options  
**Attachments:** SMH - Opinion - Shared Paths 220622.pdf; RACQ - Reform urgently needed to reduce horrific e-Scooter injuries - Nov 2024.pdf; Slater & Gordon - Shared Paths - 2007.pdf; TEN QUESTIONS FOR MINISTER HAYLEN RE e-Scooters 241030.pdf; COURIER MAIL. - e-Scooters Vapes Burns 241122.pdf; Correspondence Cate Faehrmann and Vision Australia - Nov 2024.pdf; Experts Agree - e-Scooters NOT Active Transport.pdf; RSAC Briefing Paper\_Emicromobility\_20240911.pdf; ESA Working Group - Electric Scooter Trial Recommendation Report.pdf; Vision Australia - Bruce Maguire - Presentation to the RACS e-Mobility Symposium - Nov 23 - Hilite.pdf; NTC Vision Australia Submission.pdf; Wednesday 30 October 2024 Legislative Council - e-Rideables - CORRECTED - Mr HAROLD SCRUBY.pdf



## **PEDESTRIAN COUNCIL OF AUSTRALIA**

**Health – Safety – Access - Amenity**

*The Walking Class*

**Patron: The Honourable Dame Quentin Bryce AD CVO**

Ms Cate Faehrmann – Chair  
Attention: Mr Rasika Somewhere

Copies:  
Mr Sam Farraway (Deputy Chair)  
Mr Mark Banasiak  
Mr Anthony D'Adam  
Ms Sarah Kaine  
Mr Bob Nanva  
Ms Natalie Ward

Dear Ms Faehrmann

### **NSW Legislative Council – Inquiry: Use of e-scooters, e-bikes and related mobility options**

As requested please find below (and attached) our second submission to your inquiry.

Please ensure all members of your Committee receive a copy of this email.

My corrected transcript is attached.

### **1 MINISTER HAYLEN MUST ANSWER ALL THE TEN QUESTIONS WE SUBMITTED DURING MY ATTENDANCE AT THE INQUIRY**

(Copy attached)

## **2 SHARED PATHS – THE LAW**

While we believe you have conducted the inquiry well, Ms Faehrmann, we are in furious disagreement with you about Shared Paths (see my Opinion piece SMH June 22 attached)

You were interviewed on 2BL on 31 October and told the audience that (QUOTE)

Well, they do have the bells and they're supposed to have the bells. I just think that people are, whether it's the commercial delivery drivers or younger people are getting onto these e-bikes, e-scooters without knowing. I think there's the etiquette and then there's the rules. Um, and I think even, you know, it's almost like the etiquette of like, okay, I'm passing you on the right, I'm slowing down, I'm letting you know. And pedestrians also need to know that means stepping to the left. I think a lot of pedestrians don't know that either.

We believe you are wrong.

This is the law (details attached). The onus is on the cyclist.

On a Shared Path, a cyclist must keep to the left and slow down and give way to pedestrians at all times ... even if that means coming to a stop.

I wrote to you and then we spoke on the phone.

A copy of our correspondence is attached.

Even though I provided a copy of the legislation, you would not budge.

You claimed you are a pedestrian and a cyclist – and that was the only evidence you could provide to support your claims.

### **WHERE THERE'S CONFUSION, THERE'S POTENTIAL FOR HARM**

The Committee must get this right, because it's one of the most important aspects of the entire issue of e-Rideables.

Additionally, cyclists should only ever ring their bells if there's an emergency, not to coerce pedestrians to get out of their way.

Imagine if motorists honked their horns in 10 km/h Shared Zones every time they wanted to pass pedestrians. (Pedestrians have absolute right of way in Shared Zones as they do on Shared Paths – it's the law)

Have a look at the email from Vision Australia. And this is how we treat people with disabilities – with utter contempt.

The Upper House Committee must get independent legal advice if even the Chair is so utterly confused.

And the current TfNSW proposal is that private electric vehicles like e-Monocycles, e-Skateboards, e-Hoverboards etc., also be included with e-Scooters.

So where will the riders of these death traps have their bells (as usual the devil is in the detail) – in their pockets?

Additionally, the Speed Limit unless otherwise signposted on a Shared Path is the same as the adjacent road.

And every footpath in NSW is a Shared Path for children under 16.

As everyone would realise this is absurd and potentially lethal. Please see the legal advice from Slater and Gordon of 2007 advising:

*I am therefore of the opinion that local government road authorities may be found to be in breach of duty of care for failing to impose safe speed limits for bicyclists on Shared Bicycle Paths although any such finding of breach of duty of care must necessarily depend upon the particular facts of the case before the Court.*

We have advocated for over a decade the default national speed limit on Shared Paths (unless otherwise sign-posted) must be 10 km/h – and this is supported by science, not wobbly e-Scooter riders

The Committee must do a lot more work on Shared Paths and ensure it has the very best scientific and legal advice, especially as TfNSW is now recommending 20 km/h speed limits for e-Rideables on Shared Paths.

### **3 LATEST RACQ REPORT – 26 Nov 24 - Reform urgently needed to reduce horrific e-scooter injuries (see attached)**

This was the first jurisdiction to adopt e-Scooters. The speed limit on their Shared Paths was reduced from 25 km/h to 12 km/h following a horrific spike in deaths and injuries (from all types of e-Rideables but mainly e-Scooters).

Yet the e-Scooter TfNSW Active Transport “experts” are advocating 20 km/h.

Following a major study, the RACQ and leading doctors are calling for major changes to e-scooter rules, following the latest research.

NSW must learn from Queensland’s experience and not make the same lethal mistakes.

### **4 SCOOTERS, VAPES ARE NOW THE TOP CAUSE OF BURNS IN QUEENSLAND**

The Royal Australasian College of Surgeons is calling for urgent action to prevent further deaths and injuries (see attached)

### **5 EXPERTS AGREE- e-SCOOTERS ARE NOT ACTIVE TRANSPORT**



While we referred to this matter in our original submission, the bureaucrats at TfNSW continue to call e-Scooters etc., ACTIVE TRANSPORT

And there’s a veritable army of robotic bureaucrats who are misleading everyone under the banner of ACTIVE TRANSPORT.

The leader Anna Bradley now has the extraordinary title of EXECUTIVE DIRECTOR OF ACTIVE TRANSPORT AND VIBRANCY

It's sugar-coating on steroids.

As I said during my address to your Committee: "You get more exercise unloading a dishwasher"!

## Road Safety Advisory Council Briefing Paper

### Approval

- Kathryn Crestani, Executive Director Cities Integration
- Anna Bradley, Executive Director **Active Transport**

### Length

- 10-minute presentation, plus 10-15 minutes for questions and discussion

### Title of Presentation

- E-micromobility: Potential policy reforms for discussion

### Presenters

- Anna Bradley, Executive Director Active Transport, Cities and **Active Transport**

### SMEs in attendance

- Rodney Stiles, Director Mobility Policy
- Louise Higgins-Whitton, Director Road Safety Policy, Safety Policy Environment and Regulation
- Kathryn Crestani, Executive Director Cities Integration
- Ed Steane, Director Urban Policy, Cities and **Active Transport**
- Anthony Mifsud, Senior Manager Urban Policy, Cities and **Active Transport**
- Emily Rucker, Director E-micromobility, Cities and **Active Transport**
- Bright Pryde, Urban Policy Lead, Cities and **Active Transport**

This is false, deceptive and misleading.

I have provided letters and emails from the leading people and organisations in Australia and throughout the world on this matter (see attached).

Arguably the world leader in this area, Professor Jan Gehl of Denmark stated: **"E-Scooters as Active Transport? I have never heard such nonsense ever."**

Would the Committee PLEASE recommend that TfNSW immediately ceases any reference to any e-Rideable as ACTIVE TRANSPORT ("unless they involve health-enhancing levels of large muscle activity with an energy expenditure commensurate with health benefits").

Micromobility is the correct term.

## 6 ALCOHOL AND DRUGS

Apart from some the other idiotic recommendations, probably the worst is (quote):

**Riders would be required to have no more than 0.05 Blood Alcohol**

- **Riders would be required to be 16 years of age or over.**

P1 and P2 (platers) must be ZERO BAC for at least 2 years and then .02 BAC until fully licensed.

And NSW Police will not be permitted to conduct RBT operations on any e-Rideables.

If you want to ride a motor scooter in NSW you must be:

Minimum 17

Licensed (have a motor-cycle licence)

Ride a registered and insured vehicle

Wear an approved motor-cycle helmet

None of this applies to these super high speed e-Rideables.

Many of the new Fatboy bicycles and e-Scooters (120 km/h) are now much faster than motor-scooters.

<https://www.youtube.com/watch?v=EUzgfR6ytUs>

Already in Qld this year there have been 8 deaths and according to the RACQ there has been a massive spike in serious injuries (mostly paid for by the tax-payer)

### **7 NSW POLICE HAVE NOT BEEN CONSULTED SINCE THE 2020 ESA COMMITTEE'S RECOMMENDATIONS**

As stated before, all the key stakeholders made their unanimous recommendations (after a year of deliberations)

In this document, NSW Police and Transport for NSW signed off on all the recommendations.

The main points being:

1 Min age 17 and licensed

2 Max speed on Shared Paths 10 km/h (which was the maximum speed allowed during the 2 year e-Scooter trial (Qld is 12 km/h and Victoria is 10 km/h)

3 Number-plates

No-one, repeat no-one in TfNSW has provided any reasons for departing from these recommendations.

They were not even mentioned in the RSAC Briefing Paper (attached).

Senior people at NSW Police have advised me that they do not have the time or resources to enforce illegal e-Rideable behaviour now, let alone if a tsunami of these vehicles are released onto our roads and footpaths.

Apart from this

Just watch two ACT police officers try to pull over a speeding (and drug addled) e-Scooter rider who was travelling at 100 km/h on an ACT highway.

<https://www.youtube.com/watch?v=3YsjMQaYJic>

NSW Police are not permitted to issue penalty notices to children under 16.

And if they fail to stop, police have told me they would rarely chase them as it would create too much potential for harm for the rider, the police and other road users.

This is why licensing and number plates are so important.

Germany, Japan and Singapore have compulsory e-Scooter plate and Israel is about to require them.



Unless and until NSW Police formally and in writing change their policies regarding e-Scooters, then the 2020 ESA recommendations must remain as their stated position.

Along with every other key-stakeholder.

### **8 10 km/h in SHARED PATHS**

We have requested a GIPA (FoI) to try and discover what was the policy advice from the Centre for Road Safety to

It's hard to believe it can be any different from the 10 km/h recommendation in the 2020 ESA recommendation.

As stated before, the potential for harm increases five times when you increase the speed from 10 km/h to 20 km/h

We will provide the Committee with the results of our GIPA.

We certainly hope someone doesn't try to make it Cabinet in Confidence, because this advice is critical to your Inquiry and the veracity and reliability of the "Active Transport" group within TfNSW.

### **9 PEOPLE WITH DISABILITIES**

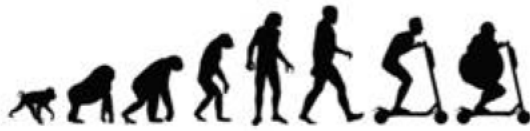
You can judge a Community by the way it treats people with disabilities.

Every member of the Committee must read Bruce Maguire's two submissions re e-Rideables (attached).

This quote sums it up:

***Even when blind or low-vision pedestrians used footpaths, almost 90% said that they felt less safe because of e-rideables. That's 90%, not 19% - nine out of ten people who are blind or have low vision now feel less safe when walking.***

Thank you.



It took humans a million years to learn how to walk...  
and five minutes to forget.

Regards

Harold Scruby  
**CEO**



**Pedestrian Council of Australia Limited**  
*The Walking Class*  
Registered Charity (ACNC) No: 18075106286

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