



STATE DEVELOPMENT, INFRASTRUCTURE AND WORKS COMMITTEE

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PUBLIC BRIEFING—INQUIRY INTO E-MOBILITY SAFETY AND USE IN QUEENSLAND

TRANSCRIPT OF PROCEEDINGS

Monday, 8 December 2025

Brisbane

MONDAY, 8 DECEMBER 2025

The committee met at 9.30 am.

CHAIR: Good morning. I declare open this public briefing for the inquiry into e-mobility safety and use in Queensland. I am Jim McDonald, the member for Lockyer and chair of the committee. With me here today are: Ms Jonty Bush, the member for Cooper and deputy chair; Mr Terry James, the member for Mulgrave; Mr David Kempton, the member for Cook; Mr Shane King, the member for Kurwongbah; and Mr Bart Mellish, the member for Aspley.

The purpose of today's briefing is to assist the committee with its examination of e-mobility safety and use in Queensland. This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but intentionally misleading the committee is a serious offence. Members of the public may be excluded from the briefing at the discretion of the committee. I remind committee members that officers are here to provide factual or technical information. Questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

The proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceeding and images may also appear on the parliament's website or social media pages. Please turn your mobile phones off or on to silent mode. Finally, I remind everyone to please press your microphone on before starting to speak and off when you are finished. I now welcome members of the Queensland Police Service.

BOSLEY, Inspector Gareth, Queensland Police Service

GUILD, Acting Assistant Commissioner Adam, Queensland Police Service

CHAIR: I invite you to brief the committee, after which committee members will have some questions for you.

Assistant Commissioner Guild: Thank you and good morning, Chair and committee members. I am Acting Assistant Commissioner Adam Guild of the Queensland Police Service Road Policing and Regional Support Command. Today I am joined by Inspector Gareth Bosley of the Road Policing Group. I offer apologies for Deputy Commissioner Chris Stream.

I would like to begin by respectfully acknowledging the traditional custodians of the land on which we meet today, the Turrbal and Yagara people, and pay my respects to elders past, present and emerging. I would also like to thank the committee for providing us with the opportunity to speak again and assist with the ongoing inquiry into the safety and use of e-mobility devices across Queensland.

As the state's primary law enforcement agency, the Queensland Police Service is committed to reducing road trauma and upholding public safety by engaging with and educating the public and intervening when unsafe or unlawful behaviour is detected. In relation to e-mobility devices, we conduct routine enforcement and targeted operations in high-traffic and high-pedestrian areas to monitor speed compliance, helmet use, device legality and the conduct of riders. I am pleased to advise that since the last briefing the Queensland Police Service has initiated Operation X-Ray Surety. This statewide engagement, education and enforcement campaign is focused on reducing road trauma and improving compliance with e-mobility legislation.

Despite this valuable work, our frontline officers continue to face operational challenges when responding to the growing number of noncompliant devices and unsafe conduct of riders. Key issues we encounter include: difficulties in safely intercepting offenders due to the agility of e-mobility devices, including on busy bikeways, roads and shared paths; challenges in identifying offenders who fail to comply with directions to stop due to the absence of discernible features and the lack of licensing and registration requirements; the inability of police officers to often discern whether a device is noncompliant; and the application of the Youth Justice Act 1992, limiting the ability for devices used illegally by juvenile offenders to be impounded, preventing the commission of further offences and holding offenders to account.

Because illegal devices are treated as motorbikes, they can be legally immobilised, impounded and eventually forfeited to the state if the rider is charged, arrested or issued with an infringement notice for a relevant hooning offence; however, the critical enforcement barriers I have outlined already severely limit the ability of frontline police to operationalise these powers. Seizing or impounding devices also presents operational and safety risks due to the combustibility of lithium ion batteries, and this complex and rapidly evolving environment presents various community challenges that cannot be addressed in silos.

The Queensland Police Service will continue to work collaboratively with other government agencies, local councils, industry and the public to implement strategies that foster and preserve community safety. Thank you again for the opportunity to brief the committee. I welcome any questions.

CHAIR: Thank you for that articulate assessment of the difficulties you are facing. We look forward to asking questions.

Ms BUSH: Thank you for coming in this morning. I know it is your second time with us, Gareth, so we appreciate that. Adam, you started to talk about some things I am interested in, so I will just pick it up there with Operation X-Ray Surety. To be honest, not a day goes by when I do not get a couple of emails or people walking into my office who are deeply frustrated—certainly not at you—with the behaviours they are seeing on electric motorbikes and e-scooters and wondering why police cannot do more. You have just unpacked that. Can you clarify that unless there is an arrest under the Youth Justice Act—and to be honest, not all of them are kids; I nearly got bowled over by two adults—you can impound and immobilise, but you can only do that if you can detect them and find them? There are also issues with identifying them. When members of the public ask why police are not doing more, what is the problem?

Assistant Commissioner Guild: I will answer that broadly and then I will get Inspector Bosley to address the technical side of that. It is complex. The Youth Justice Act talks about alternatives to proceedings. There are a range of things for us to consider in relation to a juvenile person whom we may take action against. When we talk specifically about hooning and impoundments, we are talking about commencing proceedings in relation to an activity or offence that has occurred. I will pass over to Gareth to provide some further technical advice on that.

Insp. Bosley: It comes down to what is termed a 'counting' offence. If we look at it in the realm of vehicle-based hooning, the first time an offender is detected they get what is called a zero offence. There is an enforcement action taken, but they are basically put on notice that any further such offending will then start to be counted in terms of an impoundment. The subsequent second, third and fourth offences, which are all counting offences and lead to various terms of impoundment, are required to be finalised before a court or payment of the infringement notice.

In terms of juveniles, the YJA requires alternative considerations to be undertaken prior to commencing proceedings. Firstly there is cautioning or taking no action. In both of those instances there is no counting offence attributed. Secondly, if they are issued with an infringement notice then under the YJA they can elect to be cautioned instead. Again, that is a no-counting offence. If that caution is provided by police, it does not count. It has to be a caution by a magistrate or to be finalised before a magistrate. Quite often we will see matters referred back outside of the court to be finalised through police cautioning as opposed to court cautioning.

Whilst technically there is the ability for vehicle impoundment and seizure under the hooning regulations, the Youth Justice Act means very seldom do we get to the position where we have the requisite number of offences finalised in the requisite manner to enable that to take place. We see exactly the same with juvenile offenders in terms of vehicles, with dangerous operation and other road-based offending.

Ms BUSH: There are two streams here, so if we can just unpack it. With adults at the moment they would be counted offences. Is the issue one of licensing registration and not being able to detect? I know that you cannot pursue and you cannot chase.

Insp. Bosley: There are two issues. The first is intercepting safely. Running out of Operation X-Ray Surety on the Gold Coast, we have had our state traffic taskforce down there working the Gold Coast and we have kept data in relation to what we have termed 'failing to engage with police'. That is where they have seen police and turned prior to police even being able to give a direction to stop. In the early days we were seeing two-thirds of all users of devices simply turning on seeing police and going in the other direction. That has dropped slightly during the operation, particularly around schools involving schoolchildren, but in areas like Broadbeach, which have significant issues, we are still seeing in excess of 80 per cent of people who will simply avoid engaging with police so there is

no opportunity for police to actually give a direction and ensure that stop is effected safely. There are other operational considerations, particularly in busy pedestrian thoroughfares. Obviously, the user of a device who seeks not to engage with police may well put other pedestrians at risk while avoiding.

The second issue relates to registration. That is not a concern in relation to type 1 and type 2 offending; it is based on the behaviours of the user. They could still be subject to type 1 and type 2 offences if they are undertaking things like speed trials, burnouts, riding on one wheel and those sorts of hoon-based behaviours.

CHAIR: With the example that you just gave, do you have any sense of which sorts of vehicles are being used? Are these high-powered vehicles, scooters or compliant 25-kilometre-an-hour devices?

Insp. Bosley: There are a broad range of vehicles and it really is demographic specific. We are seeing the growth of e-motorcycles within the younger juvenile cohort but also the strong use of PMDs that have been modified and altered to no longer be legal.

Mr KEMPTON: We have had a lot of evidence about young users, but over the weekend I saw that every second rider was 30 or 40. We have had motorbikes for a long time. I know that when I was a kid I used to ride away from the coppers on mine fairly often. We have had pushbikes for a long time. In relation to these devices, I wonder whether there is enough education about the illegality of it because people see them everywhere. The kids are all riding them to school, there are shops where you can buy them and they are freely advertised. Do you think more resources could be put into a campaign to make people aware that this is the illegal operation of a vehicle on a road, just like any other vehicle? It seems we have struck a bit of an epidemic in the last few years. That was a casual remark; I did not really admit anything.

Assistant Commissioner Guild: With emerging technology we have seen a change in devices and the need for more education. Part of Operation X-Ray Surety centred on education and engagement initially as well as enforcement. That commenced 3 November. Current stats from 3 November to 4 December show there have been more than 3,300 police hours attributed to Operation X-Ray Surety. During that time a total of 2,255 infringements have been issued and, specifically, 1,456 of those were attributed directly to PMDs. The biggest challenge we have seen is with helmet compliance. During the operation we have seen 1,132 infringements just for helmet noncompliance.

In addition to education and engagement, we have attended more than 70 schools throughout the Operation X-Ray Surety timeframe as well as conducted more than 50 community engagements across different police districts. That includes things like Coffee with a Cop events. We have attended bike shops and community events in a whole range of different police districts and engaged with thousands of people during that time. Police have also been out with a new handlebar hanger which outlines specific information that can be easily sourced from the StreetSmarts website from DTMR, and that has been put on the handlebars of devices across various schools. We have had officers walking through schools engaging with principals directly in relation to those enforcement and engagement activities. There is certainly room for more enforcement and engagement. Part of Operation X-Ray Surety is trying to get the message out to parents about the responsibility of knowing what they are actually buying.

Mr KEMPTON: I suppose it will be some time before you will be able to quantify how successful that has been because that will take some time. Thank you.

Mr KING: Thanks for coming in. I have noticed that this whole e-scooter and electric bike thing has emboldened normal motorcycles like illegal dirt bikes back on the streets as well. I also have memories from when I was younger of police taking keys and making us—my friends, not me—walk them home and making sure they did, and you learned a valuable lesson. I was just wondering if there is any opportunity, without seizing, to immobilise and the kid or adult has to walk it home and a lesson is learned there. Is there any technology or something that could work there?

Assistant Commissioner Guild: That is a policy question for government to answer, but certainly there are challenges around seizing devices. Training our staff is one of those challenges, as is having the right tools. There are discussions around disconnecting batteries and just seizing battery packs—that then leads to storage issues in relation to storing batteries as well as the devices—as well as that initial interaction with that young person as to what that may look like, whether it is an education piece or an enforcement action depending on whether we can actually seize it, but we do not have a specific power just to go and seize a device from a child to prevent exactly what you are talking about there.

Mr KING: Or disable the device, but thanks for that.

Mr JAMES: You talk about the powers of seizure and whether the police can determine whether initially the device is legal or not legal. There seems to be more challenges than solutions at the moment, and I imagine it will get better with time. When we looked at the Lime scooters they had a decent app that could identify every single one of their scooters around Brisbane, and it is the same with Ario. They can get on an app and move them around. Would that sort of technology assist the police if we come up with that—that the police would have some sort of app that would be able to determine exactly whether an e-bike is legal or not legal in order to seize it or not and if it did not have an electronic tag it is automatically seized?

Assistant Commissioner Guild: Again, it is a policy question. However, we would welcome any additional technology that allows us to assist identifying riders. There are some challenges there and obviously there are companies available to provide geofencing on devices, so the technology certainly exists, but it is that interface between obtaining that information in relation to the identity of a rider.

Insp. Bosley: I am aware of various schemes to provide QR coding on devices encoding the specifications of the device. However, that is reliant upon the user having that QR coding on their device and not removing the QR coding if it is at point of sale. Also, given the breadth of devices that we are seeing particularly coming in through various supply streams, there is obviously difficulty in what mechanism would be undertaken to ensure that a QR code with the correct specifications is attached to the device and the device has not been modified since that original approved specification was recorded against the device. As we see nowadays, because they are electronic devices they run on software and it is the software more often than not that controls the actual operational parameters of the device, it is about how you would then go about ensuring that software had not been tampered with.

Mr MELLISH: Thanks for coming in again. When we last had the QPS here—I think it was in August—we got a good document on the top infringement notices and how that had tracked over the years. You might have answered it before in part in terms of the number of infringement notices issued under Operation X-Ray Surety, but I was just keen to see if we were able to get that data in a similar format to what we had recently because it sounds like there has been a real positive ramp-up in terms of infringement notices since the operation started.

Assistant Commissioner Guild: We can certainly provide the same format data. The top three offences particularly during Operation X-Ray Surety in relation to infringements for PMDs were helmets—with 1,132—riding on a prohibited road and exceeding the speed limit.

Mr MELLISH: I am keen to see if there is any different approach for when you come across someone on what appears to be a legal PMD versus someone who has what is very clearly an illegal motorbike, essentially, and whether any changes in legislation or changes in approach would help you in being able to prosecute that.

Assistant Commissioner Guild: With the district operations that we are seeing, the way we have targeted those operations is through an intelligence-led and evidence-based approach, obviously, where there is a high volume of users as well as the information from the community and feedback that we are receiving on where we deploy our resources. However, the same challenges would exist no matter what type of device it is. Initially trying to have that device stopped for police is a challenge, no matter whether it is a legal motorbike or a scooter.

CHAIR: Thank you for the efforts you are making in enforcement across the state. We really appreciate the efforts that are happening. I just want to unpack a couple of the different issues you have raised and the challenges you are facing, because this is the complexity of detail that we need to get right. As I said at the beginning, there seems to be different approaches across the state by police. One of the things we have heard about is the use of the PPRA to intercept somebody to stop or to prevent the ongoing offence. Is that a common practice or is that the only way you can do it? Can you talk to us about that and what changes to legislation might be necessary to improve that and get clarity?

Insp. Bosley: Yes, some areas have been utilising the PPRA in order to prevent the repetition of the offence. However, what needs to be considered is whether that is the best fit for the offending given that the action taken must be reasonable. When it comes to hoon related offending in the broader realm, whether it be, let us say, unregistered and unroadworthy vehicles, we do not necessarily impound those vehicles to prevent the repetition or continuation of the offence. It has to be examined from the perspective of whether the action that is being taken would withstand scrutiny in terms of being reasonable and appropriate and whether there other means that could be taken to address that.

One of the issues we have is around ownership of devices. What we see is that once a device has been gifted or given, ownership transfers to the user, including juvenile users. Unlike registered vehicles, where the registered owner of the vehicle has legal responsibility in relation to that vehicle being used unregistered on a road, that does not translate across to this environment. We also need to be sensitive to the fact that, whilst this committee is primarily or solely around e-mobility, we also have analogous devices such as normal, conventional bicycles which are converted to e-motorbikes through the addition of an electric motor. We are also seeing a growth in bicycles which are being converted to motorbikes through the addition of small petrol powered engines. There is obviously a need to be sensitive to the fact that any action taken does not have unintended consequences. Whilst any legislative change is a matter for the minister, we obviously have some operational impediments around being able to take decisive action and uncontroversial action in relation to preventing offending on these devices. At the moment we do not have the dedicated powers to stop and prevent offending on these devices.

CHAIR: Okay, so that would require legislative change, unless you are using that discretion at the moment that you say may not be fit for purpose?

Insp. Bosley: There are other provisions under the PPRA that allow vehicles which have been left unattended to be seized—for example, an e-motorcycle left locked up on the side of the road—but, of course, it is up to a court to determine whether that meets the definition of 'unattended' just simply because there was no person with that vehicle at the time. Whilst there are mechanisms that can be made to fit, the question is whether that is the best means of taking action.

CHAIR: With regard to the PPRA, I understand that a number of mobility devices—I am thinking of assistance for older people—were required to be registered because, even though you might be going on a footpath, you have to cross a road somewhere. Likewise with these things, no matter what it is, you are going to have to cross a road somewhere. Is there any pathway in that regard that would assist police?

Insp. Bosley: Yes, you are correct: medical mobility devices, for want of a better term—those devices that provide greater accessibility for people who suffer physical impairments—are required to be registered with the department of transport and display a numberplate. There are no provisions relating to that for these devices.

CHAIR: With regard to the challenge you have of the legal bikes that are converted, if there was a change to the legislation to pick up every one of those as a vehicle so it can be treated like an off-road trail bike or an unregistered trail bike or what have you, would that solve that problem?

Insp. Bosley: They are a vehicle under legislation; they are not a motor vehicle. It brings in differences such as we are able to undertake random breath testing with motor vehicles. However, with a vehicle it is based on displayed indicia of the operator, so those vehicles which are converted with a motor are a motor vehicle. It is the compliant PMDs and compliant e-bicycles which are not deemed to be a motor vehicle; they are a personal mobility device.

CHAIR: I think that is another good opportunity for us.

Ms BUSH: I have some questions about X-Ray Surety. Before I do, just picking up on the last question from the chair, I feel sometimes on committees we can talk around the issue. It probably assists the committee to know what regulatory powers you need. What do you need done? I am not saying that we will recommend that, but it helps us to know explicitly what things you have identified as a service that could close these gaps for you. Have you prepared something and can that be handed over rather than us summarising and talking around the issue?

Insp. Bosley: Again, those matters are policy matters for the minister. However, to speak generally, the biggest impediments we encounter are stopping a device, taking definitive action to prevent the use of illegal devices and technically assessing whether a device is a PMD or is a noncompliant motor vehicle.

Ms BUSH: Thank you. I know of Operation X-Ray Surety, but can you give us a summary of how long it has been operating, how it is going and whether it is having an effect in that preventive space, particularly whether you are seeing it have an effect on reducing the amount of unlawful behaviour that you would like to see?

Assistant Commissioner Guild: Operation X-Ray Surety was launched on 3 November. Across the state we saw lives lost in relation to e-mobility devices so X-Ray Surety was ensuring that all districts across the state adopted an approach through education, enforcement and engagement to target their specific issues locally. The Gold Coast has different needs to Mount Isa et cetera. It

was a district-built operation supported by the road policing group through the taskforce in relation to surge deployment in key areas. One of those was recently on the Gold Coast in the lead-up to schoolies and other events have occurred throughout that time.

The education engagement piece is really important so we attended more than 70 schools. Particularly on the Gold Coast, we know that there are a lot of schools with a lot of devices. Initial anecdotal information from our staff on the ground was that more than two-thirds of users would try to avoid us in the first fortnight of that operation but during the last month or the last fortnight that has certainly changed in relation to schools. We have seen more people come and approach police. We have been given great assistance from the school principals in relation to that so trying to funnel kids through a back gate or something so we can actually engage kids and have an actual conversation around the legality of the devices that they may be riding. We have had officers inspect bike lockers through schools. We have provided handlebar hangers with information in relation to what is an actual illegal or noncompliant device as well as education sessions through schools, which has seen some change.

Where we are not seeing the change is obviously in open public spaces where we try to do enforcement activities. We know through the operation that the South Brisbane district is where our highest infringement notices have been issued. There have been a lot of static enforcement operations. They are labour intensive due to the type of activity that is being conducted. We do use other resources, covert and overt strategies, to assist in that regard. We are certainly seeing, as I mentioned earlier with the helmet compliance, more than half of total infringements are in relation to helmet devices. You can walk through the city and see that most days. Officers will stop and engage people to educate them in relation to those compliance issues.

There is a whole range of activities being undertaken as well as community interactions and events. We are also attending bike shops, as I mentioned earlier, which has seen some positive impacts as well as seizures through that time. There have been some seizures for e-bicycles and PMDs. For the month of November, we seized 19 e-bikes and 31 PMDs. So far in December, we have seized four e-bikes and nine PMDs and that seizure activity is ongoing. The seizure of e-motorbikes does not fall within the capture of those statistics because it is a vehicle as per the legislation so that statistic is not readily available. That is being seen across the board.

We have a different approach in different districts due to information that we are receiving on the ground. X-Ray Surety is to provide additional support into those districts to ensure that they are supported to target the most problem issues that they are having. That is why I say that the Gold Coast issue will be different to those up north and that kind of thing.

Mr KEMPTON: On the issue of seizure, you mentioned lithium ion batteries. We have had evidence that if those batteries are being tampered with or as they become more aged they are quite volatile and you can have thermal runaway. Apart from the obvious risk to your officers, you must have to get through a plethora of regulations around fire safety, environmental concerns, workplace health and safety issues and so on. Do you think policy or regulatory changes might be needed to assist you in terms of the seizure and storage of those things, especially the ones that have tampered batteries?

Assistant Commissioner Guild: In relation to the safe storage of those devices, we have released a lithium ion battery safety bulletin that contains guidelines for the use and the charging and storing of lithium ion batteries. Those guidelines advise that Queensland Police Service members should store the batteries and devices away from other combustible materials, store batteries at temperatures between five and 20 degrees and disconnect the battery from a device. What that means in practical terms is that we are having to source alternative arrangements at local police stations to try to store the devices that we are seizing so that they are not stored traditionally in a property room where there may be other combustible items. We also have a designated working group being established to conduct risk assessments for Queensland Police Service workers for potential exposure to chemicals and toxins released by the batteries. Obviously we are working towards measures that would keep our people safe.

Mr KEMPTON: Is that storage for evidentiary purposes or is it just a matter of seizure?

Assistant Commissioner Guild: It could be for both.

Mr KEMPTON: So then you have a long-term issue as well—

Assistant Commissioner Guild: Correct.

Mr KEMPTON:—because it may take some time to deal with it. Going back to my question, do you need more support to streamline or reduce red tape in order to make that easier for your service to seize and store these batteries or are you happy with the current arrangements?

Assistant Commissioner Guild: It will come back to the initial issue in relation to the actual seizure of the devices, as we have already mentioned. Certainly anything that would assist us in the storage component, whether that is seizing the entire device or seizing the battery—those kinds of discussions—each have pros and cons in relation to what type of activity that is. Taking a battery off a device sometimes requires the user to put in a code to release the battery as well as tools and other things. It is a whole education piece. It is a whole range of training for our officers as well. There would be quite an extensive body of work behind that.

Mr KEMPTON: There is nothing simple about this, is there?

Assistant Commissioner Guild: No.

CHAIR: Is there an opportunity for there to be changes, particularly around the evidentiary purposes, so that you could actually dispose of that battery or that device to a council dump site within 24 hours? Would that be helpful?

Insp. Bosley: There are multiple issues around that. Firstly, obviously there is financial liability for disposing of private assets, particularly when we are talking about devices that are of significant cost and the batteries are a significant component of that cost. I am thinking of some of the e-motorcycles with large high-amperage batteries. There are issues around the training of officers to actually access and remove those batteries. I am aware that parliament has been considering changes to the Electrical Safety Act requiring a mechanic working on an EV to hold qualifications as an electrician. Obviously, that has certain parallels with removing batteries from these devices. There is also the liability should the device be damaged in the removing of that battery. Any policy around the immediate disposal of the battery would obviously have to take into consideration the natural justice aspects of removing and disposing of a person's private property. From an operational perspective, it would simplify matters but there are broader considerations.

CHAIR: I was talking about evidentiary purposes, not just the seizure aspect and the timeframes around that for hooning.

Ms BUSH: I will come back to the operation we have been talking about, but I will preface my question by saying we have obviously had a horror weekend with 13 hospitalisations in one night alone. Does X-Ray Surety need to be expanded or extended? We are coming up to Christmas. We know that these devices will be used more by people getting around. We know that these things will be gifted at Christmas by parents who are unaware of what they are doing. What needs to happen right now and in the lead-up to Christmas?

Assistant Commissioner Guild: X-Ray Surety was launched on 3 November but prior to that, and going back to the last 12 or 18 months, the police districts have performed operations targeting e-mobility devices throughout that time. What has changed is obviously the type of devices that we are now seeing and the number of devices being seen. Activities across the police districts happened 12 months ago to target the local issues as well. X-Ray Surety has been put in place until 26 January to capture the entire school holiday period. Noting what you mentioned in relation to lives lost, this year 13 lives were lost in relation to e-mobility devices and currently three people are critically ill from other road trauma events. Certainly the focus is on that.

The surety component is the extra surge capacity from the road policing group to target activities in relation to e-mobility devices, notwithstanding 288 lives lost across Queensland roads this year as well. It is a balance in relation to our activities in road safety generally, but that does not mean that the district activities would cease in relation to these types of operations post 26 January.

Ms BUSH: Are there gaps at the moment with Operation X-Ray Surety? Are there regions or divisions where you would like to see more mobilisation or where you need additional support?

Assistant Commissioner Guild: What we are doing for our officers is providing education products and training products to increase the awareness of our own staff in relation to the topic due to the variety of devices that are being encountered, working within the current legislation to take affirmative action when needed as well as providing support to undertake education and engagement activities. For us, I suppose it is about balancing priorities in a district and ensuring that we provide efficient and effective service delivery to whatever the demands are of the local police district. I can tell you that all police districts are engaged in some type of activity in relation to road safety at all times. Road safety is of the utmost importance and e-mobility devices come into play as part of the broader road safety strategy across Queensland.

Ms BUSH: I note this morning on the ABC they talked to some experts about this and the distinction between pedal assist throttle and e-motorbikes. Is it helpful when media, key influencers and people in leadership make statements that these things are dangerous? Is that a helpful public service announcement for you?

Assistant Commissioner Guild: Absolutely—the more education that we can provide. I know some of those products have been shared quite broadly on various sites and through principals of schools and at a whole range of different locations and places. Certainly educating parents is the key to this. Knowing what your child is actually riding becomes critical in relation to an e-mobility device, notwithstanding that adults are riding these devices as well and are not complying with legislation by riding illegal devices. However, the opportunity does exist to better educate kids and parents. In the lead-up to Christmas, certainly the activities that we have conducted have been picked up by a whole range of people and shared. I did have some media reporting statistics from when we have done some specific targeted media for Operation X-Ray Surety. We do know that it is quite widespread in relation to viewer coverage on those.

CHAIR: For me the answer is that, if you are going to buy a gift this Christmas, buy something that is foot powered or pedal powered or that at least goes under 25 kays and is compliant. Unpacking some of the challenges, Inspector, would removing a zero offence for these sort of things assist the police?

Insp. Bosley: Essentially, no, in that it is the qualification of an offence to enable the seizure and how that offence is finalised. At the finalisation of the offence, the zero offence effectively gives an opportunity for behavioural change prior to the private property becoming at jeopardy. It is how offences are counted and the qualifications for that. With the requirement that it has to be finalised before a court ordered payment of the infringement notice, obviously with juveniles and within the terms of the Youth Justice Act, the required method of finalisation rarely is achieved due to other considerations. We also have other considerations in relation to the seizure of vehicles under the YJA. With devices that are seized from juveniles under type 2, juveniles are not responsible for any fees associated with the seizure or impound, unlike adult offenders. It falls back on the Queensland Police Service to bear all costs.

If I can speak generally in relation to hooning offences, what we have seen with type 1 and type 2 offending in the hooning cohort is that the nature of the devices they use has changed. They have become cheaper. Cars are perhaps worth a couple of hundred dollars. When the vehicles are seized, they are not collected by the offenders because impound and towing fees are worth more than the cost of the vehicle. That then brings in operational constraints in that often tow contractors are unwilling to tow and hold those vehicles as they are not recompensed for their commercial activities. We would potentially see similar analogies when it comes to e-mobility devices in relation to the propensity for those devices to potentially not be collected and issues in actually being able to affect commercial arrangements to seek those to be towed and held.

CHAIR: Thank you for that information. Being able to dispose of them is a big issue and there obviously needs to be some changes there. With regard to the issue of the vehicle you talked about earlier, and, again, trying to make it as simple as possible, if we were to change the classification of 'vehicle' to include anything that has an 'e' in it or a modification to an 'e' or a normally aspirated motor, would that provide clarity for police to deal with all of those?

Insp. Bosley: Yes, it would if they were all to be deemed motor vehicles, but then that could also potentially have much broader consequences for things like ride-on mowers, which would still be a motor vehicle. That would be part of the issue in that it would also capture those devices being used in road related areas. It would get around the requirement of being able to determine the specifications of the device.

CHAIR: That is a great opportunity for us.

Mr MELLISH: Throughout the inquiry we have heard from some really good retailers who do the right thing, who sell the right devices and who make sure people buying them know what the laws are. We have also heard from some retailers and have heard about some retailers who do the 'nod and a wink', as it has been described, of selling a device but then also sell on the side the means to make that device clearly illegal and the means to make that device much higher powered and things like that. Is there any message you would like to send to those retailers who are not doing the right thing and are allowing more of these devices to be proliferating on the streets?

Assistant Commissioner Guild: It is a challenging environment in relation to the selling of those devices. The message, put simply, is that we have enough road trauma on Queensland roads. Whatever we can do to reduce that as a collective group across Queensland is what we need to work towards. That is that education and engagement piece, and everyone has responsibility to try to help out our young people and our vulnerable people in particular in relation to protecting them.

Mr MELLISH: We have heard a lot about what police could do differently if you had different powers or different tools in your arsenal. What else can other stakeholders and other players—schools, the Office of Fair Trading and others—do that would make your job easier?

Assistant Commissioner Guild: We are working with a whole range of stakeholders at the moment. By sharing information, by providing that education piece, we are working well with a lot of principals and schools across the state in relation to the education piece. In terms of retailers, we have had some success in engaging retailers and police attending those bike shops and other locations to engage community members. We have some really good relationships with DTMR in relation to sharing resources and information and providing the StreetSmarts information as a single point of truth. That has been very beneficial throughout the process, acknowledging there are so many types of devices it is quite tricky to navigate. Having that single point of information has been very successful, as well as the media assisting in spreading the message. Our concept has always been education, engagement and enforcement. We would certainly welcome any opportunity to work with any other stakeholders in relation to education and engagement.

Mr KEMPTON: In terms of policing, there is going to be more and more enforcement, and that takes up resources, but then it is about what you do after that. You might proceed with notices and it might end up in court. You have juveniles and adults and different devices. Then there is a whole lot of extra work to be done to process all of that. Do we need to try to revisit the regulation or even the legislation around what you do after that enforcement action? It seems to me it is very complex because we have things that are vehicles and things that are not. Do you think we need to put some attention into that?

Insp. Bosley: There is certainly the opportunity here to deal with it as a systems piece and as an ecosystem and to look at simplifying the regulations pertinent to this area not only to make enforcement more decisive and have better deterrence but also for the public so they can clearly understand what is and is not a relevant device. I liken it to the fact that very few parents would consider buying their child a 250cc motorcycle to ride to school. However, because it is termed an e-mobility device, there is a perception that there is a difference. It is in those grey areas that well-meaning people might make poor decisions because of a lack of understanding.

Certainly, looking at it as an ecosystem and looking at streamlining and simplifying both the front end in terms of what is a device and the back end, being the enforcement, and the ability to take decisive action will add to that deterrence effect. There needs to be a consequence of enforcement. Enforcement by itself will have little effect. We need to promote deterrence so that people voluntarily do the right thing for their own safety and for that of broader society.

Mr KING: I would like to again say thank you. We do appreciate how difficult it is and understand some more of your frustrations now. The member for Aspley mentioned other stakeholders coming to assist. I was going to talk about the retailers and how they could assist; the dodgy ones could be better. The rental organisations—this is just my opinion and I think I voiced the committee's—could lead in this as well; they are the ones who can be controlled and are regulated to a certain extent. During Operation X-Ray Surety, has there been any improvement in the use of helmets—I know you mentioned South Brisbane was rather bad—with those companies who, in my opinion, should be leading the charge on this?

Assistant Commissioner Guild: It is week 4 of the operation, so it would be difficult to say what effect it has actually had. We see the riding of a PMD device within the Greater Brisbane area and a helmet sitting on the device and not on someone's head. Quite simply, if the device is unable to operate without putting the helmet on, does that change that landscape? Potentially yes, but for us it is being out and conducting those high-visibility operations in those key locations to try to educate, influence behaviour change and conduct enforcement when required.

Mr KING: Are the hire companies actively working with you to achieve that goal of safety?

Assistant Commissioner Guild: We do not have any contractual arrangements with those companies. That is a matter for councils.

CHAIR: There certainly is an opportunity to make sure those council contracts have that best practice arrangement in place. Is there any data being collected through that operation regarding private devices or shared devices?

Assistant Commissioner Guild: No, not specifically. We just look at the totality of PMD infringements in relation to what were issued.

Mr JAMES: It is a complex issue. We have heard from a lot of people and there are a lot of common issues. Looking at the challenges, what if at the point of sale someone has to hand over a licence, as in the parents, to make the parents responsible for some of their kids' devices? Would that assist?

Insp. Bosley: The issue is with emerging devices. We are also into emerging retail environments. We are not always talking necessarily about a bricks-and-mortar store for point of sale; we are talking about online distribution as well. As I said before, currently once the device is given to a juvenile, no liability attaches to the parent as would normally be the case with an unregistered and uninsured device. Even with identification being passed over, the parents are not liable because the devices cannot be registered; that owner liability attaches with the registration. Again, there are no legislative provisions to tie the parent to the offending relating to a device used by a juvenile.

Mr JAMES: I am looking at us recommending legislative provisions that will assist in that.

CHAIR: With regard to those retail opportunities, I understand the issue of buying online, but if it was a requirement at the point of sale that would be another slice of these devices that we would be able to pick up. Would that be helpful?

Assistant Commissioner Guild: We would welcome any improvements to the point-of-sale position in relation to how someone comes to be in possession of an e-mobility device. It would be beneficial.

CHAIR: Regarding two of the others, one of which you mentioned at the start with regard to working out whether they are a compliant device or not, if we were to have a requirement that retailers had to certify that they were on a list of compliant devices, would that help police as well?

Assistant Commissioner Guild: Certainly any information that would simplify the process of identification would be beneficial. The issues exist in relation to PMDs with the 250 watts, and trying to measure that on the side of the road is near impossible. Anything that assists the front line of policing to provide an efficient response to that would be helpful.

CHAIR: Obviously there is a lot of sadness across the nation or the world with these things and some terrible incidents have been occurring. Evidence clearly shows that youth under 16 are very highly represented in a lot of those offences. Thinking through the challenges you said about the Youth Justice Act, if we were to make the requirement for people riding anything with an 'e' to be of a minimum age of 16 and to hold a learner's licence, would that cause pressure on youth in terms of demerit points and costs of fines in response to offences? I am answering my own question. That would then be a challenge for parents as well, but I think there is an opportunity in there to make—

Insp. Bosley: As I mentioned before, in the current YJA provisions surrounding licence holders under 18, we still have the same issue where alternatives to enforcement have to be considered such as cautioning and also that unless the matter is finalised before a children's court there is no effect on the licence. It is around capturing in-scope offending, which is recorded as per an adult through attaching the traffic history and the application of points to a person under the age of 18, which operationally is the pressure point for us in undertaking decisive enforcement.

CHAIR: I have a question in general regarding those shared devices. Do you have a sense that the private and the high-powered e-motorbikes et cetera are the biggest challenge for you?

Assistant Commissioner Guild: The shared schemes obviously operate in a confined type of area. Targeting that in relation to enforcement is somewhat easier in relation to knowing where those devices may turn up. Across the board, we do see more private devices and e-motorbikes in particular. Certainly the challenge, as I mentioned from the start, is having any device stop for us in order to actually have that engagement first and foremost. That is in itself the biggest challenge.

CHAIR: When I opened this briefing I mentioned the different approaches across the state and different schools—and we are soon to hear from Palm Beach Currumbin State High School, which has a really great case study for us to share. Is the Police Service making efforts to share best practice across the state? Some of the approaches have been excellent.

Assistant Commissioner Guild: Certainly, that is part of the feedback process for Operation X-Ray Surety as well as other traffic enforcement activities. We have an information-sharing network through our tacticians at the local level.

CHAIR: That is the time for this session. Thank you very much to you both for attending today and for your answers to our questions. There is one question on notice from the member for Aspley. If you have any questions about that, get in touch with the secretariat. If the answer to that question on notice can be back to us by Monday, 15 December, that would be very helpful. Thank you. I hope you have a great rest of the day and happy Christmas.

Assistant Commissioner Guild: Thank you very much and thanks for the opportunity.

The committee adjourned at 10.31 am.