

Inquiry into e-mobility safety and use in Queensland

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I am a retired QPS sworn member having served in the QPS for about 36 years with approx. 30 of those years being in the position of traffic enforcement.

I own and operate an Electric Unicycle (EUC) which is classified as a Personal Mobility Device (PMD) and have clocked up about 1000km over the past 18mths. I use the EUC for recreational and utility purposes. Utility purpose is for the likes of going to the shops about 3km away (one way) and have on occasion used the EUC to ride home from dropping the car off for a service, a trip of about 15km. I say this for context.

I always wear the required bike helmet and in addition, I wear wrist guards and a motorcycle jacket which has extra protection. 99% of the time I utilise a sports camera attached to the helmet much the same way a car has a dash cam (just in case).

In riding over the past 18mths I have not had any altercations nor issues with other motorists or pedestrians. I have endeavoured to abide by the road rules as required but have on occasion interpreted the rules with safety in mind.

I write to the Parliamentary Committee as an engaged stakeholder with a view to hopefully aid the inquiry process.

My first thing of note relating to need for an inquiry is reference to eight (8) users having died last year in Qld. I have tried to locate details on the internet but found that to be, difficult. Of all the cases that I could find, they related to e-scooters and all cases involved the riders disobeying existing road rules as they relate to PMD.

The second thing of note was the reference to injuries jumping by 112% but this figure was over a time period of 3yrs. On the surface this is out of context, having regard for the increased use and ownership of EUCs. Could the Committee check what percentage of incidents related to *'hire PMD'*.

Whilst on the subject of relevance, in my search for information I have come across a number of less than correct news stories. One was in the *'Redland Bayside News.'* It pictured two youths, apparently 16yrs or younger, one with a helmet and one without, each riding a small Internal Combustion Engine (ICE) motorcycle on a suburban street.

The article is headlined *'State launches safety inquiry into e-scooters'* and makes reference to:

- a RACQ study into their safety; and also
- a quote in the article from the State Member for Oodgeroo, Amanda Stoker, which said she regularly heard from constituents concerned about safety and noise issues caused by e-mobility devices. This sounds like an ICE issue and not related to PMDs.

In the same article, Transport and Main Roads Minister Brent Mickelberg was quoted as saying “The increase in injuries and deaths we are seeing because of unsafe and unlawful riding, cannot be ignored and I share the community’s concern”, Mr Mickelberg said. It is sad that the tone of the quote implies PMD riders are the cause of injuries and fatalities.

This is on the back of a ‘P’ plate car driver being convicted of dangerous driving on a 50kph suburban street. I do not have further details but no allegations were made of the male PMD rider doing anything wrong. The local newspaper however did allege the car’s speed of 102kph on a 50kph road.

In my own experience, I have encountered pedestrians walking whilst using their mobile phones. Not to talk but watching what I would guess to be video and using earbuds. In my experience they are prone not to walk in a straight line and if a collision was to occur due to inattention (them stepping in front of a rider), who would be deemed a menace? At this time I cannot ride on the road legally.

I humbly ask that the committee take a responsible, balanced approach to the subject and not try to legislate against some, to balance the stupidity of others.

It appears that common sense is a lot less common than one might hope.

Terms of reference

1. Benefits - This is so important that the rules in place allow for the maximum benefits. By that I mean, any benefits to pollution, congestion and inclusion, these will be limited if rules do not allow for it.
2. Safety - As I had previously touched on, from what I could find, crashes occurred when current road rules are disobeyed. Changing those rules to restrict use probably won’t change the fact that some will still break the rules and result in death or injury. An added effect could be that otherwise law-abiding citizens if pushed outside the law then become conditioned to breaking the law and taking risks.

The current situation is that someone can hire an e-scooter with no knowledge or expertise. Someone who is possibly on holidays and ‘celebrating’ with drugs and/or alcohol and little to no local knowledge, all of which is a recipe for disaster yet statistically are included with experienced owner operators with a vested interest in their property and the community.

3. The issue of ownership with reference to storage and fires. I can only address my own experience and the obvious. That is I have not had any issues, but I ensure I only charge the EUC when there is someone awake and present, also that the device and charger are on a hard surface, not on carpet or plush surfaces. I think if

checked most issues could be related to either damaged devices or ill-fated modifications. I do not think it would be any greater risk than EV cars, except to say a battery is a store of energy - *the greater capacity, the greater the danger* - which makes EV cars a greater potential risk. Education would be the best safety measure.

4. If by this you are referring to the attitudes in Australia and internationally and the rules as they relate to the devices themselves. All I could add to this is that even now the devices are evolving. The importers and sellers should be held accountable for devices they source and sell. I was told once by a seller that a throttle controller on an e-bike was illegal but if I told him it was only going to be used on private property, he would fit the throttle (wink wink). Some of the safeguards newer PMDs are implementing are outstanding and the framework should not impede this.
5. Effectiveness of current enforcement approaches and powers. I cannot comment on enforcement approaches as the thin blue line is already stretched very thin but in relation to powers, consider making the use of PMDs an owner onus offence.

What I found with my limited research into your statistical injuries and deaths was that a lot involved children, and the current rules do not allow for children to use PMDs except under supervision. If a child or adult is caught riding a PMD illegally and the owner allowed it, then they could also be held accountable. This I believe would be an incentive for guardians and owners to be more responsible.

The TORUMS (Transport Operations (Road Use Management) Act 1995) and the TORUM (Transport Operations (Road Use Management -Road Rules) regulations 2009 are read in conjunction with the Qld Criminal Code 1899 which under sect 7 allows for **parties to offences**. Include this prominently to owners as a responsibility for which they can be held accountable.

6. Gaps between Commonwealth and Qld regulations are not any greater than those encountered by any other state. Consistent rules on the use should cover any gaps and perhaps consider rules similar to hooning laws relating to forfeiture.
7. Education - well that just got very expensive. Make a concise rules booklet and have it available at the MRD and also make it a requirement at the point of sale that every purchaser be given a current booklet. If possible, make it available electronically and a copy could be sent to the purchaser and if a company hires a PMD for use then the company could use its app and make it a prominent part of the app. Note: I have no experience with hire PMDs.
8. Sharing PMDs on the footpath with pedestrians will always be a concern but I personally have not had any issues. I think that a lot of the time the issue is more to

do with personalities and respect. Sometimes I must ride on the footpath because the current road rules do not allow for riding on the road. Consider Victorian rules, which simplified:

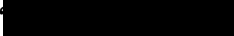
- you can ride a PMD on a road with a speed limit 60kph or less;
- you can ride a PMD on a **shared** footpath or bike path but not allowed on footpath.

Note, a child can ride a bike on a footpath, a child cannot ride a PMD in Victoria.

- adults are not allowed to use a footpath be it a PMD or bike, they must use the road.

The current road rules relating to PMDs in Qld (not including e-bikes) is an adaptation of wheeled toy rules. I believe they are now called a low powered toy scooter.

By adaptation it was a cut and paste, in my humble opinion, I do believe that the RACQ is promoting the idea of making it a requirement to wear a **full face** helmet on a PMD. I would like to know what exactly their statistics are. Consider the restricted vision of a full-face helmet and the heat in summer as the riders are only traveling at 25kph max. Also, if someone has a bike helmet but that is not legal, they might be tempted not to wear anything. Also, you can legally ride a motorcycle at 110kph in a 110kph zone with an open face helmet.

Final words, which are attributed to Mark Twain who made the expression popular in the late 19th Century “ and statistics”. As soon as you are fed statistics, please ensure you know they are correct in context.