Inquiry into e-mobility safety and use in Queensland

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[redacted]

Submission to the Inquiry into E-Mobility Safety and Use in Queensland

Context of this Submission

1. I have an active interest in the use of e-mobility devices generated from experience in formulating risk management approaches and because my spouse was struck in the back by an e-scooter that was being illegally and irresponsibly operated.

2. While the incident involving my spouse did not occur in Queensland the conditions under which it occurred are present here. The incident resulted in a serious head injury, multiple broken ribs, a broken hand and a compound fracture of the elbow. The victim was airlifted to a major city hospital for an operation and recuperation. Three years later, the victim still suffers from pain and disability related to the incident.

3. The illegal and irresponsible use of both legal and illegal e-mobility devices can be readily observed in the Sunshine Coast area. Friends and acquaintances have commented on the anxiety, caused by these devices, especially when used on footpaths. However, the illegal use of these devices on roads also generates hazards including to both the rider and the normal road user. The latter being subject, not only to injury and damage to their vehicle, but also to the threat of being found at law to in some way be at fault in an incident that, for all practical purposes, they may not have been able to avoid.

4. Two fatalities involving e-mobility device users have occurred recently on the Sunshine Coast. The apparent risk profile suggests that it is only a matter of time before another fatality occurs in this region; a fatality that, it can be argued, will have been entirely foreseeable.

   Conclusion 1: The irresponsible and illegal use of e-mobility scooters causes incidents that not only result in death and injury but that also create significant anxiety in the general community.

The Benefits of E-Mobility Devices

5. The proponents of e-mobility devices argue for their use on the basis of convenience, cost and environmental grounds. However, it is clear that these benefits can only be fully realised where the safety of the rider, pedestrians and other road users is not unduly prejudiced.

6. The benefit to responsible users – especially those using them for bona-fide daily commutes from and to home – are likely to be tangible and their use in such circumstances is likely supportable. However e-mobility device related fatalities and injuries in addition to the observable hazards represented in frequently observed irresponsible and illegal use of e-mobility devices suggest that appropriate levels of safety risk in other contexts are not being managed.

7. It appears that the combination of liberal legislative requirements and weak compliance management significantly militates against the realisation of perceived benefits. This, in turn, suggests that a safety case based on risk related evidence would not support the use of e-mobility devices as is occurring under the current legislative and compliance management framework.

Conclusion 2: The perceived benefits of e-mobility device use are not being fully realised under the current legislative and compliance management framework.

Safety Risks

8. While practicing safety managers can, no doubt, provide a comprehensive schedule of safety hazards and risks the following are relevant to this submission:

   a. Death and Injury. Major hospitals are routinely collecting injury statistics relating to e-mobility incidents and I expect that this provides statistically relevant evidence of the risk relating to e-mobility device usage. The ABC reports that so far this year, there have been five e-mobility device related deaths in Queensland.

   b. The collision of an e-scooter with my spouse as outlined above is an example of a life changing incident that is not isolated. Other notable examples have been reported where livelihoods and future earnings have been adversely affected.

   c. The effect of incidents involving death and injury are exacerbated by the absence of avenues of recourse through insurance or the nominal defendant. Recourse is complicated too by the lack of licencing, insurance and registration relating to e-mobility devices and riders.

   Conclusion 3: It may be assumed that sufficient safety related information is available to compile a safety case on which enhanced regulation and compliance frameworks can be based.

   Conclusion 4: The lack of licencing and registration of e-mobility devices complicates the securing of legal recourse after a relevant incident.

Current Rules

9. Riding of e-mobility devices on certain roads and all footpaths is permitted in Queensland. Their use on public roads and footpaths is prohibited in the NT and NSW except when related to trials or approved hire operations. At least outside the Brisbane CBD, the speed limit on Queensland's footpaths is often ignored and devices are often ridden on roads on which they are prohibited.

10. Speed limits on footpaths vary between jurisdictions with WA's 10kmh more limiting than Queensland's 12kmh, TAS and ACT's 15 kmh and VIC's 20kmh. The effect of speed on injury potential is significant. Studies on this are readily available. For example, the Journal of Safety Research Vol 91 Dec 24, Pages 271- 282 is an example.

11. Limitations relating to maximum assisted speeds are commonly ignored by riders. This is especially so for those riders on illegal devices that have motors that are more powerful than is permitted, that have throttles and that do not require pedals to be rotated to achieve motor assistance.

12. Unrestricted riding of e-mobility devices is prohibited unless the rider is at least 16 years of age. Although not easy to identify the age of riders, non-compliances involving younger people riding without supervision can be seen. [redacted]

13. Although required to wear helmets in all jurisdictions, at least 30% of riders (measured in a limited assessment around my local area) are non-compliant.

14. Specific limitations apply to riding on roads but these are regularly ignored. On nearly every trip outside school hours, e-mobility devices can be seen on local roads that have a limit greater than the maximum 50km or that have dividing road markings. One local lad can sometimes be seen doing wheel stands on an illegal device on a local road with centreline markings (at least he was wearing a helmet).

15. Highlighting the absurd potential use of E-mobility devices is the fact that they can also be observed being ridden on the Bruce Highway.

16. Although riders in all jurisdictions are prohibited from having passengers, this regulation is also ignored – often by users not wearing helmets and exceeding speed limits or riding on prohibited roads.

17. Incidents involving intoxicated riders are common despite that the riding of e-mobility devices while intoxicated is prohibited. F Hartz in BioMed Central 2025 sums up the issue in a finding that "Compared to cyclists, injured e-scooter riders are younger, mostly do not wear a helmet and more often ride under the influence of alcohol".
18. That non-compliant use involving the same local riders continue to be observed and since non-compliant devices can readily be identified at local shopping areas, beach access areas and school routes, it would seem that relevant authorities have been given little incentive to conduct compliance checks.

19. Many of the observed non-compliances in the Mudjimba area involve young people using e-mobility devices outside school hours for purposes that, it is reasonable to assume, could be adequately met by a regular non-powered bicycle, skateboard or scooter.

20. Even if non-compliances are observed, there is no practical way of formally identifying the rider. There are no registration plates or other identifiable features and insufficient CCTV cameras to support a report.

21. In partial mitigation of speeding by riders, there is no requirement for e-mobility devices to have a speed measurement device fitted. Given that strict speed limits are imposed and that excess speed directly impacts injury potential, it seems inconsistent to not require these as part of the design rules.

22. There is also no requirement for e-mobility devices that are used in public areas to have lighting and reflectors fitted except if the device is to be used by night. While it might be argued that there may not be an intention to ride at night, the potential for non-compliance and the increased risk inherent in night riding suggest that there is a case to include lighting for all devices in the design rules.

Conclusion 5: For the purpose of this submission, it is postulated that there are two categories of riders: a. riders-for-pleasure in which non-compliances occur in pursuing purposes that are quite readily able to be achieved through the use of non-powered devices; and b. those for whom the use of e-mobility devices proffers a real benefit eg: certain gig-economy workers and commuters.

Conclusion 6: Given the nature of openly reported incidents, it would appear unlikely that the operation of e-mobility devices by younger for-pleasure users is well supported by any safety case.

Conclusion 7: Parents, guardians, officers of community clubs involving young people and education institutions are not taking appropriate and practical measures to manage compliance with e-mobility device regulations of children in their care or for whom they have some responsibility.

Conclusion 8: Regulations are of negligible effect if there is widespread non-compliance and minimal compliance checking by relevant authorities.

Conclusion 9: That there are so many variations in rules amongst jurisdictions suggests the need for unification of rules.

Conclusion 10: The absence, in design rules, of a requirement for speed measurement devices and lighting to be fitted to e-mobility devices is inconsistent with the demonstrable risk that their operation poses to pedestrians and other road users.

Conclusion 11: The current level of non-compliance is not consistent with rules that allow the riding of e-mobility devices on footpaths.

Enforcement Approaches

23. Despite non-compliances being regularly observed, serious enforcement activity appears to be conducted only rarely. A recent publicised crack-down in the Noosa area was reported to have resulted in a considerable number of enforcement actions but these activities appear to be few and far between.

24. The lack of enforcement action in relation to e-mobility devices is consistent with the pre-existing lack of compliance activity against, for example, non-helmet wearing bicycle riders despite the increased risk associated with the former category of device.

25. The lack of enforcement action is also less surprising when it is considered that there are no police stationed between Maroochydore and Coolum Beach.

26. As stated earlier, there are hubs around which non compliances can be identified. These include routes to shopping centres and schools and routes to recreation hubs such as surf beach access points and parking areas near those hubs. Regular policing of these areas would discourage illegal behaviour.

27. While ignorance is no excuse for non-compliance, there is no requirement for mobility device riders to demonstrate that they are aware of the rules relating to the operation of their e-mobility device. Having chided a local rider for riding a device that did not require the pedals to be used, the rider responded that “it has pedals” indicating that either the child or the parent did not know the regulations.

Conclusion 12: Compliance checking in the local area is not conducted with sufficient intent to promote the compliant use of compliant devices.

Conclusion 13: Parents and officers of community organisations and schools are not playing a significant part in promoting compliance with e-mobility device regulations.

Conclusion 14: Compliance is not enhanced in the absence of a requirement for riders to demonstrate knowledge and understanding of e-mobility device regulations.

Conclusion 15: Hubs around which e-mobility devices are used should provide a focus on which increased enforcement action can be based.

Conclusion: 16. The absence, in design rules, of a standard requirement for lighting and speed measurement capabilities on e-mobility devices has the effect of precipitating non-compliance.

Importation Laws

28. The loopholes that allow the importation of e-mobility devices that are subsequently used illegally on Queensland's roads have been well documented in briefings to the Queensland State Government. Reconciling the needs of off-road users and users in public areas is clearly a problem noting that there may be clear benefits in the use of certain devices on rural or other private properties.

Communication and Education

29. That non-compliances are rife suggests that multiple factors are involved. However, as an interested observer of e-mobility device use, I believe that relevant information is available to users but that it is wilfully or ignorantly not being accessed by many of them.

30. The apparent lack of a comprehensive multi-faceted approach to education and communication involving both formal and social media-based approaches suggests opportunities for improvement exist.

31. While loath to suggest that school curriculums should address the issue, many non-compliant users are of school age. This suggests that education institutions have a part to play in facilitating compliance with e-mobility device use by their pupils. This could, for example, be by way of visiting experts or compliance checking.

32. Notwithstanding the apparent need for a comprehensive education approach it seems clear that many non-compliances are wilful. The use of social media to publicise aspects of the regulations and to publicise the results of enforcement action could play a role in raising awareness.

Conclusion 17: A comprehensive and multifaceted approach to communication and education appears to be lacking.

Recommendations

33. That the Inquiry notes that the current level of non-compliant and irresponsible e-mobility device use is causing significant anxiety amongst the community and especially amongst pedestrians and the elderly.

34. That a form of licencing of riders and/or registration and insurance of devices be introduced in order to facilitate enforcement and the provision of compensation for the injured.

35. That two categories of e-mobility device users be identified with the aim of ensuring regulations are fit for purpose; a. for-pleasure-users and b. commuters including, for example, gig-economy users

36. That the tolerance of risk of death and injury in the two categories of users be set at distinct levels when considering the related safety cases and regulations.

37. That the safety case associated with riders under the age of 17 be reviewed.

38. That an increased level of compliance management activity is implemented including a focus on compliance checking of riders and devices at hubs such as shopping centres, schools and recreation areas such as surf access points.

39. A requirement for speed measuring devices and lighting be introduced for all e-mobility devices.

40. That the riding of e-mobility devices on footpaths be prohibited if a high level of confidence in speed compliance cannot be assured.

41. The Queensland Government lobby the Federal Government to co-ordinate the introduction of a common suite of national regulations applying to e-mobility devices.

42. A comprehensive system of communication and education be introduced that leverages social media, schools and community groups.

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