



TRANSPORT AND RESOURCES COMMITTEE

Members present:

Mr SR King MP—Chair
Mr BW Head MP (teleconference)
Ms PE Pease MP
Mr LA Walker MP (videoconference)
Mr TJ Watts MP

Staff present:

Ms M Telford—Acting Committee Secretary
Mr Z Dadic—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL 2023

TRANSCRIPT OF PROCEEDINGS

Thursday, 9 November 2023

Brisbane

THURSDAY, 9 NOVEMBER 2023

The committee met at 9.00 am.

CHAIR: I declare open the public hearing for the committee's inquiry into the Transport and Other Legislation Amendment Bill 2023. My name is Shane King. I am the member for Kurwongbah and chair of this committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. With me here today are: Joan Pease, member for Lytton; and Trevor Watts, member for Toowoomba North. The following members are appearing via phone or videoconference: Bryson Head, member for Callide; and Les Walker, member for Mundingburra. Lachlan Millar, the member for Gregory, who is our deputy chair, is an apology for today.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing orders and rules. Only the committee and invited witnesses may participate in these proceedings. Witnesses are not required to give evidence under oath or affirmation, but I will remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from this hearing at the discretion of the committee.

These 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 my direction at all times. You may be filmed or photographed during these proceedings and images may also appear on the parliament's website or social media pages. Can you please turn mobile phones off or to silent mode.

PETROCCITTO, Mr Sal, Chief Executive Officer, National Heavy Vehicle Regulator

CHAIR: Welcome. I invite you to make a short opening statement, after which we will have some questions.

Mr Petroccitto: Good morning, Chair and committee. I thank the Transport and Resources Committee for the invitation to attend today's hearing. My name is Sal Petroccitto. I am the chief executive officer of the National Heavy Vehicle Regulator and I am very pleased to be here today to speak in support of the provisions of the Transport Legislation Amendment Bill 2023 relating to the transition of heavy vehicle regulatory services in Queensland.

The national heavy vehicle law was first passed in Queensland in 2012. The HVNL established the National Heavy Vehicle Regulator to be Australia's dedicated regulator for all heavy vehicles over 4.5-tonne gross vehicle mass, including buses and trucks. The HVNL is adopted by all states and territories with the exceptions of Western Australia and Northern Territory.

Since commencing, the National Heavy Vehicle Regulator has partnered with jurisdictional road authorities to deliver frontline heavy vehicle regulatory services on behalf of the NHVR under service-level agreements. In early 2016 the NHVR commenced a national service transition program to phase out these service delivery arrangements and to deliver all heavy vehicle regulatory functions directly. Five of the six participating jurisdictions have now transitioned, including South Australia in 2016, Tasmania in 2018, the ACT in 2019, Victoria in 2019 and New South Wales in 2022.

Queensland will be the final jurisdiction to transfer responsibility for heavy vehicle regulatory functions to the National Heavy Vehicle Regulator. The transition of services in Queensland will mark the completion of the National Services Transition program. Subject to the successful passage of the legislation currently before the committee, the transition of services is on track to occur in April 2024. This will be a significant milestone for the National Heavy Vehicle Regulator and will mark the start of a truly unified and national approach to heavy vehicle regulation for the heavy vehicle industry in Australia.

Part 3 of the Transport Legislation Amendment Bill 2023 proposes a number of amendments to the Heavy Vehicle National Law 2013 to facilitate the smooth transfer of services of staff from TMR to the NHVR. There will be close to 100 staff from Transport and Main Roads who have elected to transfer their employment to the National Heavy Vehicle Regulator as part of this transition, and I am really looking forward very much to welcoming them to our organisation. They will join over 400 other employees who have transferred from government agencies, to bring the total number of NHVR staff

to over 1,000 strong across the country. I would like to assure the committee of the NHVR's commitment to preserving the employment conditions and entitlements of those transferring staff and providing them with a safe and modern workplace.

Other provisions in the bill around transferring vehicles and authorised officers' powers will ensure that the NHVR is able to operate effectively from day one following the transition to ensure that high standards of service and safety are maintained for the heavy vehicle industry and all Queenslanders. I would be pleased to answer any questions that the committee may have.

Mr WATTS: My main interest is to ensure the transition is smooth, from both an employee point of view and a service delivery point of view. Do you foresee any issues as that transition occurs? Is there anything else that you feel we should be doing? Is there any other legislative requirement or regulatory requirement? Is there anything missing, I guess?

Mr Petrocchio: The transition program has actually been going now for some time. A lot of the issues that we need to grapple with around staffing, accommodation, resources and IT are all well in hand and, in my opinion, I think everything has been managed well. There is nothing that has been brought to my attention that would instigate any concerns or issues. What we will do is now recruit for the remaining vacancies in the number that need to transition across, and we are really pleased that we have actually got 100 of the TMR resources coming across. That actually allows us to operate from day one. We have actually started recruitment now that will ensure that continuity of service should not be disrupted once we take over functions.

Mr WATTS: In terms of regional and remote Queensland, in terms of service delivery and staffing—obviously that is where a lot of heavy vehicles are coming from—could you outline where you are at with some of that for us?

Mr Petrocchio: Wherever there is an existing presence within the TMR operational model, that presence will remain. We are not removing any of those. We have actually in some areas decided to add some additional resources into those positions. The challenge will always be recruitment and attracting to those regions, but we are doing that now. As a national body we have the ability to move resources from other parts of the country if there is a short-term shortfall. As part of the internal recruitment process there will probably be some of my officers that might be working in Victoria or New South Wales that might see Queensland as an attractive location so they will do an internal transfer. At this point I am not foreseeing any problems, but with the current market we will assess them as they come to the fore.

CHAIR: Has there been anything in other jurisdictions where this has worked well or not worked or things that you can learn from?

Mr Petrocchio: The transition to date has, in my opinion, gone really well. The primary reason for that is that we are moving state-based functions or individuals that were a component of a broader departmental function to an organisation whose single focus is heavy vehicle regulation. In effect, these resources become some of my most critical assets. They are the ones that interact with the heavy vehicle industry day in, day out. They are the primary focus of ensuring that our commitments to government around safe and efficient movements of heavy vehicle occur—that the appropriate behaviour occurs on the road. What we have actually seen is an increase in job satisfaction because their key focus is heavy vehicles.

The other opportunity that brings to these officers is that they now have the ability to move across the country. If they want to be an inspector in Victoria and they might live in Queensland, the organisation has the opportunity to do that. We have been able to broaden their skills. We have been able to allow them to maybe start as a transport inspector, and I have some who have then moved into prosecution activities or they might become investigators. We actually give them more career opportunity. In that regard, I think the transition has been a successful one and we have a much more committed and dedicated workforce. We have a very strong culture in the organisation around safety, and that is starting to permeate and be seen through the interactions we are having with industry now as well.

Mr HEAD: Thank you for being here. I place on record my thanks to the National Heavy Vehicle Regulator for moving promptly when a couple of my constituents were seeking emergency heavy vehicle permits after the bushfires. It was good to see that happened quickly. With this rolling across multiple jurisdictions, was there a particular plan as to what state would go first, or was it a matter of 'first in, first served' or who was ready first? I was curious as to the order and why Queensland is coming in now.

Mr Petroccitto: It is an interesting question. There was no particular order when this program was instigated back in 2016. The instigation of the program actually came on the back of the South Australian government and director-general at the time acknowledging that there had been a national regulator established and on the basis of that establishment he said, 'Why should I do the function when there is an entity that should do the function?' In effect, that then started the transition program. What we found was that in the smaller jurisdictions—South Australia and Tasmania—the transfer of these functions to an entity that had been established to do this work was a sensible decision. In the discussions along the way, New South Wales had indicated that it would be transitioning as well. Victoria then felt that it wanted to go third so it then jumped ahead of the queue. Then while we were doing Victoria, the ACT was transitioned. The New South Wales program had been going for some time so we finished that last year and, by default, Queensland is just the last jurisdiction. To the member's original question, there was no specific order. Some of the smaller ones felt, 'We will get out of this because we can save time and resources. Let the entity that has the expertise to do it do it.'

Mr WALKER: I do not have any questions at this stage.

Ms PEASE: Thank you for coming in. I note that there are still a couple of jurisdictions that are not progressing. Are they likely to progress and is there likely to be any impact on the process if they do not participate?

Mr Petroccitto: I suppose that is the joy of living in a federated country. At the time the regulator was instigated, the Western Australian government had made it very clear to the Commonwealth that it would not transition. As part of that process, just prior to go-live, the Northern Territory government also decided to back out. In saying that, we actually work very closely with both of those jurisdictions and the organisation undertakes some direct services for the Western Australian government. It is really probably a question for government to do that.

The benefit to the broader Australian heavy vehicle industry would be to see one national regulator, and it is our desire to see that occur. Once we have completed the Queensland transition we will probably start some negotiations with Western Australia. The committee may be aware that the current Prime Minister is actually the godfather of the three regulators. It was his idea to establish a maritime regulator, a rail regulator and a heavy vehicle regulator, so we are hoping that potentially with this current federal government there might be some sway into Western Australia to bring them on board. That will deliver efficiencies for the whole industry, because at the moment there are three regulatory regimes. There is our regime, there is the current Queensland one that this bill will address and then you have WA and NT. There are some productivity issues in that.

Ms PEASE: Does the Northern Territory fall under the WA regime?

Mr Petroccitto: No, they operate under their own legislation. Because they are more remote and rural, the NT normally mirrors what WA may do.

CHAIR: It is frustrating that those two are not transitioning, but you have to take what you can get.

Mr Petroccitto: Correct, Chair, and we live in hope.

CHAIR: There being no further questions, thank you very much. We appreciate your time.

**BUNING, Dr Richard, Senior Lecturer, Business School, University of Queensland;
Queensland Tourism Industry Council**

CHAIR: Dr Buning, thanks for coming in. I invite you to make an opening statement.

Dr Buning: Thank you so much for having me. I am a senior lecturer at the University of Queensland Business School, but today I am representing the Queensland Tourism Industry Council—the state’s peak industry body for the tourism, hospitality and events sectors. Further, I am a board director at Bicycle Queensland, the state’s peak body for cycling advocacy. At UQ I research the intersection of tourism and active transport. Specifically, my scholarship is focused on cycling and more recently the growing micromobility industry which, as you know, is thriving in our country now. I have been researching in this space for nearly 15 years and am largely considered one of the most widely known experts in this field across the globe.

Generally, the transport benefits for active transport are widely known and documented, including reduction in trip times, transport time reliability, reduction in carbon emissions, reduction in car use and more widely promotion of an active lifestyle and community wellbeing. In Queensland, tourism is a major business. More than 200,000 people are employed in the tourism sector in the state, and visitors contribute more than \$30 billion to our economy on an annual basis. Micromobility, encompassing e-scooters, serves a really important part of the Queensland tourism sector, and it is increasingly important as more people adopt it.

To understand exactly how people perceive and use these devices related to cities using micromobility, I conducted a research project for Brisbane City Council earlier this year as part of the Transport Innovation and Research Hub agreement we have with the three major universities in South-East Queensland and council. The full publicly available report is here. I have copies of it I can distribute as well, but it is also online on the Business School website. We spent six weeks earlier this year in the streets of Brisbane intercepting nearly a thousand people and then interviewing some people afterwards. It was a short survey and we randomly approached people. It was the first of its kind to do such a comprehensive project and we talked to tourists, residents, users and non-users, fully encompassing every person’s different variety of views. The results were incredibly clear. For tourists, micromobility is the preferred way to explore and experience the destination. It is convenient, sustainable, affordable and easier to use than other transport modes but, more importantly, it provides a memorable experience and for many people it was the absolute best part of their trip in visiting Brisbane.

Micromobility allows and encourages tourists to simply see more and do more, more widely spending their money at local businesses they would otherwise miss in other transport modes if they were in cars or public transport or they were limited by walking distances. It allows tourists to visit the nooks and crannies of a city and fully have a local authentic experience that many people crave, which is increasingly important in communities, especially in rural parts of the state where public transport for tourists or tourist transport options are quite limited. The best part is that it leaves tourists with a very positive view of the city. It gives them a vibrant, green, clean, active image of the city as it gets people out of cars and on to the streets and into the community. Even the majority of those people that did not use micromobility that we studied still thought it had a positive view in that it made the city look active and vibrant in that community. Simply, it is the best way for tourists to experience every destination. It is a win-win for tourists and the view and image of the city.

Regarding the proposed bill, we have a few different recommendations that I would like to go through quickly. First, the PMD laws vary greatly across different cities, states and countries across Australia and globally. What is legal here and what is legal in other areas is completely different, so visitors often rely on what they know from whatever their home community is, whether it is overseas or another state or city in Australia, so they come here and they do not actually know what the laws are and they may violate a Queensland law, not knowing what it might be. With the proposed changes, this could be quite detrimental to their tourist experience, especially if they might end up in prison or with a very hefty fine. A straightforward communication plan is really required here that is ongoing and clear to share what those new laws are related to tourists as they arrive in the state and using these devices. I would also encourage you to collaborate with law-makers across the country in trying to have some sort of uniform policy and regulation in this space.

Opportunity lies here with the existing visitor information centres network across Queensland to collaborate with the Queensland Tourism Industry Council, Tourism and Events Queensland, local destination markers like the Brisbane Economic Development Agency and the Department of Tourism, Innovation and Sport. Also, the approach needs to be clear and accessible using a variety of communication channels and it can be easily combined with a tourism marketing campaign to foster synergistic benefits for the tourism industry.

Second, I would say directly translating motor vehicle laws to PMD use lacks allowing the newest experience of using a bike or e-scooter on a sidewalk. The infrastructure, education and process to learn to ride a bike or a scooter is just completely different than vehicles. Specifically, the definition of 'due care' lacks a clear definition in the bill concerning e-scooter usage that is not directly applicable to motor vehicle use. Consideration needs to be made around the specifics and nuances of what it is like to ride a bike or a scooter on a shared path or a sidewalk while attempting to avoid pedestrians, dog walkers, infrastructure defects, street furniture, cafes and all of those things that are on the sidewalk.

Third, my capability providers have an important role here as well as they use apps to communicate with their users. There is a direct opportunity here to educate users using shared mobility devices as they do this and also document any kind of injuries or issues that occur related to the bill. Lastly, the Queensland government needs to plan for micromobility-only pathways statewide in tourist areas to separate users from pedestrians and vehicles combined with clear signage and visual wayfinding to allow tourists to get to all the great parts of the community and experience the destination fully in a safe, sustainable and accessible way. Thank you for your time. I would be glad to take any questions.

CHAIR: Thanks for that. When we had the department in front of us about this, the member for Lytton raised the issue of education. I ask for your thoughts—it is not really seeking an opinion—as to whether the app refuses to let you operate a device until you have read through it, and you cannot just flick through. What ideas would you have for educating people on these law changes before they operate a device? A pushbike is very different. You do not need an app to unlock it. Maybe you still have that, but I am just wondering what your thoughts would be.

Dr Buning: The shared micromobility players do offer some sort of instruction when you download the app and you are a new user, but if you are a new user in a different city in Australia and you came here it would not necessarily replicate that experience—or if you were a tourist from overseas. I will say that I think it might be a little easy to move through it, but it needs to have very specific details on all of these laws. I know about the laws that are already in effect from 2022 about helmet use and tandem riding and so on, but especially when it comes to documenting any accidents or injuries I very much see the option where an overseas tourist might have an accidental bump into a pedestrian or dog walker or something like that and just feel really quite embarrassed, even if that is at low speed.

CHAIR: I remember when these PMDs came out and Lime scooters, which seem to have vanished, were the first ones and there was so much in the media about them. From a tourism perspective, has there been an increase in expectations of tourism itself in terms of having these to get around? Have they enhanced it?

Dr Buning: Yes, absolutely. There was a study by my colleagues at Griffith University and Townsville that documented that tourists who use them spend more money in the community and spend their money more widely throughout the community. With regard to the study we did here asking people about these experiences, they very much were able to just go see more and do more in the community and the city, especially when it is paired with really great, robust cycling infrastructure, which in Brisbane we do have along the tourist areas along the river. If you are a tourist and you find that place, it is really easy for you to get from Howard Smith Wharves to Kangaroo Point and all the way to the XXXX Brewery.

CHAIR: This is more of a statement, but I have used them. I went to the Northern Territory to view their estimates process and got down to parliament on one. They are obviously geofenced, because as I got close to their Parliament House it stopped; it just would not go any further. As a statement, I found that technology pretty amazing, but you have to plan and know where they stop because it was still quite a walk.

Mr WATTS: I guess I am interested in just understanding the infrastructure, because I see the infrastructure in Brisbane. The bicycle network is probably better than my local road network in Toowoomba. You are suggesting that it would be a good idea to have some micromobility-only pathways, while people in regional Queensland would just like a road. How would you answer that?

Dr Buning: In regional areas and low-traffic neighbourhood streets, especially a bit wider, I think it is a different game compared to where you have heavy vehicle fast use, so it is a little bit of a different experience to riding your bike in your neighbourhood. Kids ride bikes in neighbourhoods very easily and are not too worried about cars because the vehicle traffic is so slow, so I think it does have to have a nuanced consideration of where that bike infrastructure is.

Ideally, cyclists and micromobility scooter users want to be separated from pedestrians. They do not want to interact with pedestrians; they do not want to interact with cars. It is the same for pedestrians: they do not want to interact with people on scooters or bikes and they do not want to interact with cars. In the same way that we have been separating pedestrians from vehicles for a hundred years, it is about time to consider more widely how we separate people who are riding active transport away from these other users.

Mr WATTS: Taking that a step further, are there any examples that you are aware of where, say, there are two parallel roads and you make one quite friendly to cars based around speed limit and you make the other one much friendlier towards this kind of access by making it much slower so that cars can use it but naturally go, 'I'll take the other road'? Are there any examples of that sort of separation of traffic using the existing road network?

Dr Buning: Yes, and thanks for asking that question. Traffic-calming devices certainly do help. I am actually working on a study right now for the Australian Urban Research Infrastructure Network with my colleagues in the school of science at UQ. We have been looking at all of the different types of infrastructure treatments across the country and comparing them. Some things obviously like bicycle awareness zones, where you just have a bike painted on the road, do not really do anything at all, but ideally the more separation the better. Traffic calming does help. Slowing cars down certainly helps, but you do not want to integrate people into each other if you do not have to. One thing that needs to be considered in different areas is the quality of sidewalks, especially if you are on a scooter. The only scooters that are really allowed into this country at the moment are scooters with quite small wheels and those scooters cannot navigate rough streets or a rough sidewalk like a bike can, so pavement quality really matters as well.

Mr WATTS: Thank you.

Dr Buning: No, thank you for the question.

Ms PEASE: Thanks very much for coming in. I am from the electorate of Lytton, which is on the bayside, so the Wynnum-Manly area . we were one of the first sites to have the scooters, and they are very popular because of where we are. I just wanted to get some information from you. You talk about the interaction between the devices and pedestrians, and that happens frequently down on the waterfront at Wynnum. We have seen a huge increase in incidents where there are accidents. What is the solution? I know that we have talked about such things as penalties and how to avoid it. With regard to education, would you be able to elaborate on your thoughts on that? You talked about education. How would that look in terms of people coming from different jurisdictions—that is, in Queensland we might have a different law compared with those in New South Wales and different again for overseas visitors? What is an alternative if when you sign into the app it has already come up if you are an existing user? I was not aware of that. How do we overcome that? Is there some way that we can look at that?

Dr Buning: I think first off is the opportunity to grab tourists when they are inbound to the state or the city, whether it is in the airport, at visitor information centres or on public transport coming into the city, the community or the country. I think that is the No. 1 place, especially for communities. Your community was actually in the council study we conducted earlier this year about people's experiences. I think it is there. I think it is also with using the apps and working with the micromobility providers—there are several now operating across the country—making sure that education and communication to the users is clear.

These devices—I do not work for any of the companies; I am an academic—are improving drastically. The ones that we saw on the street in 2018 in Brisbane, the Lime scooters, compared to the ones that are the latest technology now, are vastly different. They are improving more and more. Several of the companies are now trying to add cameras onto them, to use AI to detect pedestrians in front of them, to automatically slow down and/or stop if they suggest something is in front of them. The technology is very much improving.

I think education is needed right at the inbound, also to help them navigate and know where to go in a tourist area and how to use cycling infrastructure. A lot of cycling infrastructure is not necessarily easy to find in some areas or it may not have a clear visual wayfinding, which tourists look for because they do not really know where they are going most of the time. You have probably all been lost on vacation at some point, trying to find a street sign. It is even harder often with cycling infrastructure.

Ms PEASE: You talk about micromobility devices. Can you explain what that term means? Is it just the scooters, or are you talking about those wheels that you put your feet on and about Segways? Is that captured in that terminology that you are using?

Dr Buning: That is a good point. The terminology here is a bit confusing. I have a project with TMR and they often use ‘PMDs’—personal mobility devices. ‘Micromobility’ is just a big encompassing term of people having their own personal transport device, whether it is a bike, a scooter, a one-wheel or a skateboard—that type of thing. Griffith University, as part of this same agreement with city council, did a project last year. They looked at the number of different types of devices people were using. Skateboards, one-wheels and all of those other kinds of things are really low. Only one or two per cent of people are using those. The majority of people are on bikes or e-scooters.

Ms PEASE: Do you have any idea of the numbers of e-scooters? I understand from some surveys of those e-scooters being used in my community that there were a lot of young people. There was more uptake during school holidays—young kids jumping on them and having some fun that way. Is there any data around who is using them and what types of people are using them? I know that you have talked about tourists. Certainly in my community there would be tourists of course, but there would also be a lot of regulars who are using them. My brother-in-law uses them, for example. What about the privately owned ones? Is there any data on that uptake?

Dr Buning: There is a report put out by Griffith University and my colleagues there for city council on this exact thing. I do not have the exact statistics on personal use. In terms of the shared devices, roughly one-third of all people using shared devices are tourists, depending on the community. I am currently working on a project for Transport and Main Roads to understand compliance with road rules from the 2022 road rules changes. Through that we will be able to find out how many people are using them personally or using the shared ones.

Ms PEASE: Is there much of a difference between Australian jurisdictions in terms of regulations and laws?

Dr Buning: Yes, widely—from some communities not wanting them at all and being very hesitant to other communities fully embracing them. Brisbane is absolutely the national leader in terms of acceptance and investment in the space. They have really put into it. On the backside, oftentimes the providers are provided very short leases or operating permits in communities and they just have some logistical challenges. It takes a lot of time to bring the devices there, set up in a warehouse, hire a bunch of staff, move people around, train them, set up the technology background to operate in that space and so on. When they have short-term operating permits, they are less likely to invest into that community long-term because they do not know if they are going to be there for six months and get kicked out or not. That is something to kind of keep in mind. The more we invest into it, the better it all will be.

Ms PEASE: Is that across Australia, though? What about New South Wales and Victoria? Do they have different laws than we have here in Queensland?

Dr Buning: Yes, absolutely they have different laws—even in the city. In Perth, if you have a scooter that weighs too much the police can just take it from you and destroy it. There are very different laws, especially around helmet use, how fast you are going, where you are allowed to ride them—whether you are allowed in a bike lane, on a bike path or on the sidewalk. With speeds, in some places it is 12½ kilometres an hour and in others it is 10 kilometres an hour. Most generally, the top speed on cycling infrastructure is 25 kilometres an hour. That is pretty standard. Where you are allowed to ride and how you are allowed to ride varies greatly across the country. In terms of this industry more widely in the globe, Australia is late to the party. In other communities this is more fully embraced and really is not part of public debate anymore. It is like debating whether you should have a bus or a car at this point. In terms of policy, they have had a head start.

CHAIR: Did you want to table a document?

Dr Buning: Yes. I would love to give you a copy of this.

CHAIR: Are wheelchairs or mobility scooters included in these, or are they separate laws?

Ms PEASE: They can be registered.

CHAIR: Yes, they can.

Dr Buning: Those are usually considered slightly different. TMR allows them to be registered and you can get a numberplate for them. They are going through a little bit different.

Mr HEAD: Could you elaborate on your comment around the need for due care to be further defined under the legislation? Do you have any suggestions on what that should be?

Dr Buning: I absolutely expect that, for lack of a better term, hooning about, jumping, riding aggressively—how skateboarding is often considered in public spaces—and that type of thing needs to be controlled in some way. The view of people riding them recklessly is probably a bit skewed in

terms of the number of people who actually do that. This seems to be more specific in terms of what that actually is in relation to using these types of devices—navigating a pedestrian who steps out of a store quickly and does not look, a dog walker or someone who gets up from a table at a cafe. Just keep in mind that people are still trying to learn how to use those things. Imagine what it was like when you were learning how to ride a bike and how unstable you probably were in balancing it. I do not want those things to be confused with someone riding them intentionally recklessly.

Mr WATTS: You mentioned that around the world there are other jurisdictions in advance of us. Is there somewhere we should be looking in terms of infrastructure, regulation and enforcement? Where should we be looking to get better ideas and understand what has worked and what has not worked?

Dr Buning: A lot of advancements have been happening. In Oslo, in Norway, one company has recently released this opportunity for them to have pedestrian collision technology on their scooters. They have been kind of a leader in this space. There are several cities across the United States where devices have been there for quite some time. In Chicago they have had a bike-share program for as long as they possibly can. In Washington DC they have one of the longest running bike-share programs, which turned into micromobility. It is very widely studied. It is the same in New York City. The Citi Bike program there is really popular and has been going for a very long time.

CHAIR: Thank you very much. We really appreciate your time.

FRENCH, Mr Paul, Co-Convenor, Brisbane Central Business District Bicycle User Group

Mr French: Thank you for having me here. My name is Paul French. I am one of the three co-convenors of the Brisbane Central Business District Bicycle User Group. Queensland should be a heaven for bicycle riding but, unfortunately, it is more close to hell. Countless surveys have shown that a key reason Queenslanders will not ride a bicycle is that they see it as being too dangerous because of traffic conditions. This should not be a surprise when there are so many dangerous road rules and drivers are allowed to behave in such a dangerous way. We continue to allow old trucks to drive around on city streets with huge blind spots in front of them, one of which killed a bicycle rider—Carolyn Lister, the wife of a BUG stalwart, John Lister—in Bowen Hills in October 2020, when Carolyn was on her way to work at the Royal Brisbane hospital as a teaching nurse. Truck drivers also continue to use hands-free mobile phones despite the evidence showing this is dangerous. Transport companies themselves have started to recognise this by banning the use of hands-free phones on their own sites.

As we saw in the media last week in relation to a Townsville court case of a vigilante driver, Queenslanders are allowed to keep driving until they kill someone, despite having their licence suspended or disqualified 10 times over the previous nine years. Queensland's dangerously defective road rules also include rule 119, which requires cyclists travelling in the left-hand lane of a roundabout with two or more marked lanes to give way to drivers behind them who want to exit the roundabout.

With regard to Mr Watts's comment earlier about Brisbane's bikeway system, it simply resembles a handful of spaghetti thrown at a wall. There are just random bits everywhere. They do not connect. They are often in floodways, so they are the first thing inundated when we have a flood and then the last thing out, covered in mud for weeks afterwards. Typically, they tend to have obsolete and dangerous banana bars at both ends as well.

Council is not responsible for a lot of this. The road rules and most of the road conditions are the responsibility of the Department of Transport and Main Roads. We say that its claims about a safe system approach are just false. What we see instead, though—instead of making roads safer for people who do not want to drive every day—is massive new fines imposed on cyclists—and scooter riders; I am not here to talk on their behalf, though—who may be travelling as slow as 12 kilometres an hour on a shared path because they are 'too dangerous'.

What TMR is really into when it comes to active transport is imposing new fines. To get these up, it relies on fallacies. One at work here is that harsher penalties act as a deterrent. It is well researched that the severity of punishment has no real deterrent effect. As Dr Buning said earlier, we have foreigners coming here who probably have no idea about what penalties might apply to them if they do the wrong thing. A deterrent effect really only comes from the likelihood of apprehension. There are other common narratives about deterrence that are questionable, such as assuming that the offender knows the law and is aware of the penalties. One of the main outcomes of Queensland parliament's inquiry into cycling issues was the equalisation of cyclists' fines with motorists' fines. That was another fallacy applied by TMR as there is no evidence that equalising fines results in better safety or behaviour in terms of bicycle rules.

I would like to take the committee through some of the recent history of how Queensland has probably the harshest careless driving rule in Australia for which cyclists and scooter riders will now have the same penalty. That came about in June 2018 after a driver in North Queensland killed an 81-year-old grandmother because he crossed the centre-line when he was putting on his seatbelt and talking on the phone at the same time. In the coroner's opinion, in his inquiry into that poor woman's death, he described that driver's history as being deplorable. His recorded traffic history included 11 notifications of demerit point or SPR25 licence suspensions and four court ordered licence disqualification orders. Basically, people are allowed to keep driving in this state until they kill someone. That is what I was referring to earlier about a recent court case.

We already had a careless driving offence and Queensland already had a dangerous driving offence, which is much more serious. The coroner recommended that Queensland introduce a new mid-range driving offence to pick up what that Mackay driver had done. Instead of that, the Queensland government just raised the penalty for careless driving, and that is what we are looking at today with the 40 penalty units and a \$6,192 fine. Essentially, what is happening now, as a combination of driver misdeeds and this fine equalisation, is that for driver misdeeds cyclists are now going to be exposed to the same penalties. The likelihood of a cyclist creating those kinds of conditions and killing someone in those circumstances is inconceivable.

As we highlighted in our submission, this new offence is so vague that we do not even know what we will have to avoid doing. I have been riding in the city for 30 years. I have certainly never had a crash with a pedestrian, and most cyclists never will. When I come over the Goodwill Bridge in the morning now, I do not know what I will have to do. I am going to have to try to find another way into the city. I do not want to face this kind of thing.

When scooters were introduced, the CBD BUG was a very strong supporter of them because people want an alternative to driving. They are sick of being stuck in traffic. They are sick of the cost and the frustration, and public transport is still pretty poor. The take-up has been phenomenal. That shows that the community wants these things. Of course, we have to find a better way to accommodate them. What we are concerned about now with this new rule in clause 84AA is that the baby—that is, the cyclist—is being thrown out with the bathwater here. It is clear that there does need to be more action but we would advocate, as other submissions have, for better infrastructure. Cyclists do not want to be on the footpath with pedestrians and most people do not want to ride on the road with cars. It is simple. I will leave it at that.

CHAIR: I have a question, but forgive my naivety. I remember as a kid riding my pushbike and police or someone pulled me up several times for riding on the footpath instead of the road. Was that against the law?

Mr French: There are only two other jurisdictions that do not allow—even in New South Wales, an adult can ride on the footpath if they are accompanying a child aged 12 or under.

CHAIR: Which I would have been back then.

Mr French: I grew up riding my bike around Brisbane, too. Back in those days you could ride on the road and there was not the traffic. A big issue was all the cars parked on the road, so there is virtually no shoulder there anymore. I do not know what the police are on about there. I do not know when cycling was allowed—

CHAIR: It could have been council rangers or anyone. It was someone in authority. It is a recollection I have. That is all.

Mr WATTS: I declare that I have done a lot of cycling in Denmark, Norway, Holland, Germany and through the UK. I do not cycle much in Australia because where I live there are B-doubles on narrow roads with bad shoulders that are not swept, so it is not a very comfortable experience. My interest is in getting the active transport separated from cars and trucks.

Mr French: That is what we want, too.

Mr WATTS: I am interested if you have an example or any thoughts on how that can be achieved using existing infrastructure. I alluded to it before, where you make one road going in one direction comfortable for cars and uncomfortable for active transport and you make another artery that is going in the same direction comfortable for active transport and uncomfortable for cars, so you are not banning either one but one is set up, signposted and active to support one kind of movement of people and the other one is set up the other way. I would much rather be riding my bike with other cyclists than with trucks.

Mr French: Absolutely.

Mr WATTS: Are there any examples or opportunities for that sort of thing?

Mr French: I could point to the Woolloongabba bikeway along Stanley Street. It goes past the Mater and the Children's Hospital there. It is very clear—and it has been like this for a long time—that Stanley Street is Brisbane's slowest traffic corridor, according to council statistics. A couple of years ago after Rebekka Meyer's death, council finally got around to putting in a separated bikeway. The traffic data shows that the traffic has not slowed down along there at all. It is still just as bad as it ever was. It is the same along Elizabeth Street. It was a fifty-fifty joint funded installation. The council put it in but the state government jointly funded. That gave us a bikeway across Victoria Bridge, down Elizabeth Street and then down Edward and Eagle streets. Traffic has not slowed down there at all. You can simply take a lane away and create a bikeway and a scooterway. Unfortunately, that is the only infrastructure we have like that going through the city. There is the bit around the river but that is not really segregated from pedestrians, unfortunately, but it can be done. It largely involves taking away kerbside parking.

Mr WATTS: Just so I am clear, if you remove kerbside parking in a street or in a direction and then turn what was parking into an active transport corridor along the side, are there any other treatments that are required as you approach junctions or to stop pedestrians from stepping out or anything like that?

Mr French: I am glad you mentioned that, because we had this terrible event on the Bicentennial Bikeway Tuesday a fortnight ago where a pedestrian was hit by a cyclist and has died. There used to be a pedestrian crossing there. In the course of what has gone in there now, that pedestrian crossing has been removed and that has clearly led to confusion. As I understand it, that gentleman who is no longer with us was exiting the ferry terminal and was hit by a cyclist. I have not been that way in a long time. Once all that work started there, I stopped going that way because it was too dangerous and too awful.

You do need clear signs and infrastructure for people. People are going to have to continue to cross bikeways. Pedestrian crossings do work. Cyclists know the rules. Overwhelmingly, cyclists in Queensland at least have a driver's licence. Most of the design has already been done. In fact, we do not even need this in the quiet backstreets because that is where the traffic is usually moving slower. We really only need these kinds of treatments on the major roads. Did I answer your question? I hope I did.

CHAIR: In talking about that recent tragedy, we have to be a bit careful because it may be before the courts.

Mr French: I understand.

CHAIR: I have a question and, once again, forgive my naivety. I say that too often. You mentioned something about a cyclepath with a banana something?

Mr French: Banana bars.

CHAIR: Sorry.

Mr French: That is all right. You would have seen them. They are usually yellow. Say you are approaching the bikeway off the road, there are two big steel yellow bars that come up and then bend in and then go down. They are designed to stop cars driving down there. You will see them. They usually have lots of black marks on them from people hitting them with their handle bars. They are a perfect height for little kids to run into. They were ruled out of order by Transport and Main Roads many years ago. Despite that, council kept putting them in. They do have a program to remove them, but it is moving very slowly.

CHAIR: We recently did a public works inquiry into the Sumners Road interchange. They worked with the bicycle user group there. There was something about fast exit and entry from footpaths. They were ramped and that sort of thing. Is that what you are talking about—treatments to allow cyclists—

Mr French: Yes, to get off the road at that particular point because intersections, not surprisingly—and it is the same for motorists where you have vehicles going in different directions—are dangerous.

CHAIR: I can imagine the problem with going up the traditional gutters.

Mr French: Yes. Council is doing a little bit of that. TMR is the same. These sorts of things are only passively installed where there is an intersection upgrade. Cyclists, to get something improved, are dependent on something being improved for motorists first.

Mr HEAD: You were talking about your issues with the maximum penalties proposed in this legislation. The majority of road users do the right thing when it comes to our traffic laws, but we do have strong penalties for users who do not follow them in a lot of instances as well. If you are opposed to that particular aspect of the bill in relation to due care and attention et cetera, what should we do with riders who are completely reckless? What is another proposal you may have? We can add e-bikes to that, as there are bicycle riders who may not be as professional and as fit to take a standard bike to high speeds who can get high speeds pretty quickly with e-bikes. I appreciate your comments there.

Mr French: That is an excellent question. In our submission we have suggested that the wording of this needs to be more clearly defined. Typically, motorists only receive a penalty for careless driving if they have been involved in a crash. That should be more specifically detailed in proposed section 84AA. I have no time for people who want to ride like idiots. I do see them, but the evidence is that they are a very small proportion of riders. I cited in our submission that CARRS-Q at QUT have done a couple of observational studies here in the CBD. Their finding was that only 1.7 per cent of cyclists and scooter riders ride in any way that causes concerns for pedestrians or motorists or other road users. They definitely are out there.

I think the first thing is to make this new section of the act much more specific about when it can be applied. The questions were asked in our submission: is careless riding going to be drinking from your bottle or looking at your feet or looking over your shoulder to check who is behind you? It

is very unclear. It really should only apply to when people are involved in a crash. Secondly, we did recommend a reduced penalty, but I will leave that for the committee's consideration and ultimately parliament. It is hard to envisage a cyclist creating the chaos and carnage that motorists can. It is not physically possible. Physics rule it out, basically.

CHAIR: I will propose a situation in my area. It is young riders. It is students leaving school and terrorising people at a shopping centre.

Mr French: Schoolkids.

CHAIR: Yes, they are riding pushbikes or EMDs now where it is clearly signed they are not to be ridden in those areas, so they are already breaking the law. This law for reckless behaviour applies to adults, not kids on pushbikes.

Mr French: I do not know. That was not quite clear.

CHAIR: That is a question that we will put to the department.

Mr French: We impound motor vehicles for people who are misbehaving, so possibly there could be impoundment on the spot.

CHAIR: You see cyclists. It is getting cars off the road. I applaud what you are doing.

Mr French: We have a lot of cars at my place. I have a big car—a big four-wheel drive. Most cyclists are drivers. Everyone has to drive at some point because you cannot pick up concrete from the hardware store or go camping. It is pretty hard with a car. We are all drivers as well. We are not one-eyed lunatics or anything like that.

CHAIR: I am sure the minister would agree with you there. He is an avid cyclist as well.

Ms PEASE: I should also disclose that my husband is a huge cyclist and I hear these stories all the time. I appreciate all the work that you do in that space and acknowledge, as the previous witness said, that we are coming to the party late. In European countries, cycling is just an accepted part of the world that everyone walks in, rides in or drives in.

I am interested to hear a little bit about the segregation of cycling paths and the micromobility users and also pedestrians. There is a very distinct difference between social cycling, micromobility devices and pedestrians and cyclists who are using it as a form of mobility and active transport to get to work. Can we all ride and walk and engage on the same path or does there need to be segregation?

Mr French: People who are walking typically do about four to five kilometres an hour. Runners might be doing 10 kilometres an hour. That is very slow for someone who is on wheels. People on wheels—cyclists or PMD riders—will usually be doing somewhere between 15 kilometres and maybe 30 kilometres an hour, which is really too fast to be in with those people travelling on foot. People on wheels can generally live happily together. Most of the fast riders—the competitive lycra people—will be out on the road anyway because that is what they prefer. They do not want to be stuck behind slow riders on the bikeway. You really do not get too many of them there. Motorists should have their own space as well. We really just need three kinds of spaces and that would cater for everyone. Not all of Europe is that nice, either. Brussels is very late to the party as well. Until a few years ago they had terrible traffic congestion in the city. They have just started to make some changes. We are not all that far behind everyone else.

Mr WALKER: Earlier in your submission you mentioned a driver having so many breaches and not being licensed to be on the road behind the wheel. As a former city councillor, it is a given that after a cyclist loses their driver's licence they start riding bikes as another form of transport. What response does the bike rider group have when there are so many cyclists in amongst other cyclists who no longer have a driver's licence?

Mr French: As I said, they will be a very small minority. I did quote from a bit of TMR research in our submission. According to TMR's findings, I think 94 per cent of bicycle riders in Queensland have a driver's licence. Even though those people have been irresponsible and lost their licence, they should still know the road rules anyway. Maybe they will be a convert after they have had a bit of time with people on two wheels. It does give you a different appreciation.

Mr WALKER: We could probably use that same line of thought, Chair, in relation to those who continue to lose their driver's licence for too many breaches. You would like to think they have learned their lesson. I think we have the same issue with some cyclists who think they are more passive and not a threat to others. This leads me to my other question. We have recreational cyclists, semi-professional cyclists and professional cyclists. I used to be a track cyclist. What is a good speed on a shared pathway? There are constant conflicts on shared pathways between what cyclists want to do and what pedestrians would like to do. The cyclist has left the roadway for their own personal safety. What is classed as being safe for a shared pathway when cyclists enter into that space?

Mr French: That is a very good question. I can direct you to Transport and Main Roads Technical Note 130. In fact, that has been bandied around a fair bit in relation to the Kurilpa Bridge because the speed limit on that bridge at the moment is under review. Depending on the conditions, if it is clear and there are good sightlines, cyclists share a space with pedestrians at up to 25 kilometres an hour. The problem on the Kurilpa Bridge is that the speed limit is 10 kilometres an hour. That same technical note points to the fact that below 11 kilometres an hour some cyclists become unstable and can then themselves crash. It is a case-by-case basis. When you get into parts of Albert Street up towards the mall, there is a shared zone and obviously everyone has to tone it right down. On the Kurilpa Bridge—and I am sure the Goodwill Bridge—the speed limit there will be raised to 20 kilometres and everyone will be quite happy at that time.

Mr WALKER: I find the Goodwill Bridge to be an absolute mess. At the Queensland university end there is a total disregard for pedestrians by cyclists. It is quite dangerous and it is clearly signed. The police sit there most days trying to sort out some of those behaviours. Do you think there is a lot of education that needs to be done in that space on behaviour?

Mr French: I go through there four days a week. I do not see too many problems there. At the plaza end, where it is opened out, usually people are having a good look around and behaving themselves. The Goodwill Bridge itself used to be a real problem, but since the cycling program folk at TMR got involved different surface colours were applied and there is additional signage. They call it soft separation. It is not a bikeway, but the signage and the surface colouring makes it very clear about where the different groups should be. It has been really good ever since. I think that is what we are now going to see finally over on the Kurilpa Bridge. If you want to talk about where it is worse, it is at the South Bank end, where it is really tight. When you have the volume of traffic, people on bikes and on foot being jammed in together, that is when you are going to get problems. There are not many crashes there, but it does get a bit hairy some days.

Mr WATTS: I just wanted to clarify something. You said rule 119 states that a cyclist has to give way to a car behind them.

Mr French: Yes.

Mr WATTS: I am just curious because (a) I never heard of that; and (b) I am wondering how you give way to a B-double behind you.

Mr French: The rule is: if a cyclist is going through and a motorist wants to exit, regardless of where that motorist is in relation to the cyclist, the cyclist has to give way.

Mr WATTS: They can cut the cyclist off—

Mr French: Yes.

Mr WATTS:—as they are going past the road?

CHAIR: And stopping on a roundabout to give way?

Mr French: Yes, this is what TMR is like. We put it to them a couple of times. In fact, only as recently as last September—and I have it in writing—we said that we thought that rule should be changed. They have not objected to it, but they did say they referred it to the National Transport Commission which, unfortunately, has a long history of being a bulwark against any kind of reform.

Mr WATTS: Would I be able to get a copy of that correspondence?

Mr French: I would be delighted, yes.

CHAIR: We will take that on notice.

Mr WATTS: I find that strange and difficult to achieve.

CHAIR: Thank you. We have gone over time. We really appreciate your time this morning.

HOPE, Dr Matthew, Chair, RACS Trauma Committee, Royal Australasian College of Surgeons

Dr Hope: Thank you very much for allowing the Royal Australasian College of Surgeons to make a representation to the committee. I am representing the Royal Australasian College of Surgeons as chair of the trauma committee. I am an orthopaedic surgeon and current director of the orthopaedic department at the PA Hospital. I am also a member of the College of Surgeons, Court of Examiners. As a leading advocate for surgical standards, professionalism and surgical education in Australia and New Zealand, the Royal Australasian College of Surgeons is committed to taking informed and principled positions on issues of public health at both the state and the federal level.

The e-mobility trend has seen an explosion of e-scooters on roads and footpaths in cities around the world through their availability via public hire schemes as well as private ownership for commuting, business operations and recreational travel. Public e-scooters first became available in Australia in 2018 when e-scooter rental company Lime launched in Brisbane. I remember that was in November. The introduction of e-scooters, however, has brought regulatory challenges and safety concerns. The College of Surgeons' Queensland trauma committee is a surgical committee but it has many non-surgical members including police, ambulance and RACQ.

Another group represented on the committee is the Jamieson Trauma Institute. They have a fantastic ability to compile data. They work closely with TMR. Recently they presented some data collating e-scooter presentations in emergency departments across Queensland. In 2018 there were 38 cases; in 2022 it was over 1,000, and there have been 700 presentations to July of this year. There are now approximately 100 emergency department presentations per month across emergency departments.

The components of the injuries are principally head and upper limb injuries. A large proportion of them, about 37 per cent, are fractures. Recently we had some data from the Gold Coast university. It is interesting how we have seen an increasing number of injuries and the pattern of injuries is changing. In 2018 at the Gold Coast there were two presentations for minor injuries from e-scooters. In 2023 so far there have been 91 minor presentations. What is interesting is that in 2021 there was one incident of a major injury. That includes head and chest injuries, the requirement to be in intensive care and prolonged brain injuries. There was one incident in 2021; this year just at the Gold Coast there have been 11 presentations of major injuries for trauma from e-scooters. We are seeing a change in the pattern. I think that needs to be recognised in this whole discussion, whether it is hire scooters or private scooters, and what is influencing this change. This is increasing; this is significant.

An emergency presentation in hospital has an average length of stay of about 7½ days. An elective presentation in hospital has a length of stay of three days. We have problems in our health system just managing our basic work—hip replacements and knee replacements—so every time you get one of these emergency admissions you are knocking out the healthcare capacity to do the work that we are supposed to be doing by adding this on top.

While I have been sitting there—and I apologise for picking up my phone—I was being sent pictures from last night of a 51-year-old whose tibia—that is your leg bone—is sticking out the front of his leg. He is in the emergency department now and he is going to theatre this morning. It will take a morning session in theatre to sort that out. He came off his e-scooter last night.

We are aware of the popularity of these devices; however, sensible regulation, manufacturing, software and road usage is imperative to protect the individual user and other road and footpath users, including pedestrians. We should ensure the safety of all. We remain concerned about the changing pattern of usage towards more private vehicles and the ongoing increase in injuries. We are seeing a greater number of significant, life-changing injuries, indicating there is a change and influence in increased speed related incidents. There is a difficulty because we do not have good national data collection. We really rely on collection at the hospital level. At this stage there is no national code for personal mobility devices to allow data collection.

In summary, the College of Surgeons is pleased to support the proposed legislative changes to the Transport and Other Legislation Amendment Bill. This regulation is an important step towards the users of personal mobility devices being treated the same way as other road users. We see Queensland as being the leader in this area. We advocate for the enforcement of current regulations, particularly in light of the increasing number of high-speed major traumas associated with these vehicles.

Mr WATTS: I, too, am interested in the data and making sure it is collected and stored in a way that is transparent, accessible and usable. Are you aware of any examples from other jurisdictions, either in Australia or internationally, where they have a codified collection of data around trauma, injury, accident et cetera in relation to these?

Dr Hope: No, I am not. Because personal mobility devices have come in relatively recently, most of the publications are related to local data collection or collection from hospitals. The Australian Trauma Registry does bring in a collection of road use related accidents and trauma, but it is hard to pull personal mobility device data out of that because we do not have a national code.

Mr WATTS: So because it is not codified, the data is not very transparent and therefore someone has to do a lot of work to understand what is going on.

Dr Hope: Yes.

Mr WATTS: To me, it just seems like the very first step is to make sure we have clear data about what is going on and then that can start to inform decisions. Would that be a fair understanding?

Dr Hope: That would be absolutely right. Within that data collection, it would be good to collect details of whether this is private use, whether this is a hire vehicle and whether it is alcohol related, speed related and helmet related, because those are the three main factors that are associated with these injuries.

Mr WATTS: That is very helpful. Thank you.

CHAIR: That makes absolute sense.

Ms PEASE: I, too, acknowledge the amazing work of the Jamieson Trauma Institute. Do you have any data around what type of scooter ownership is involved in the traumatic incidents, or would that only be anecdotal in the emergency department?

Dr Hope: It is anecdotal at the emergency department. I do not have it with me but we are seeing a trend and a change. Originally, in 2018, we saw this big spike of relatively minor injuries that occurred at the weekends in the very centre of the cities and in the built-up areas. It was out of hours, drink related, young people, mostly male, but that has changed.

Ms PEASE: And they would have been the hire scooters?

Dr Hope: Yes.

Ms PEASE: We are talking about scooters, but would that also be the electric bikes?

Dr Hope: We do see electric bikes but relatively rarely. When you think about the difference between the electric bike and the scooter, the scooter has a little wheel and your centre of gravity is high. If you hit a bump, you fall off and go over forwards and hit your head, your shoulders and your wrists.

Ms PEASE: You mentioned the type of patient you were initially seeing. That has obviously changed in recent times, as well as the type of scooter. It would now be a personally owned device. What sorts of people are you seeing now?

Dr Hope: What we are seeing in the more major traumas—so somebody who comes in with a life-threatening chest injury, abdominal injury, head injury or cervical spine injury—is that they tend to be the private scooters and they are travelling very fast. That is different to the more high-frequency, more low-energy, slower hire scooter type vehicle. You have these two patterns. What we are seeing is a change. Once the population has accepted the existence of a scooter on the street by the presence of the hire scooters, there is an assumption that that is a safe vehicle. Then with the purchase of a private vehicle—which actually can travel faster—you are getting a different pattern of injury. We do have the rules and therefore we would support enforcement of those rules, with a particular focus moving towards the private vehicles. People are using those to and from work and, therefore, there is an avenue there to try to reduce those major traumas that we are seeing with increasing frequency.

Ms PEASE: Are there many incidents involving pedestrians? We are seeing the drivers being injured. What about pedestrians?

Dr Hope: We do. I recall some data previously. It is in the one or two per cent of the whole gamut of injuries. There is a threat there, but that threat converting to an injury is relatively infrequent. There is clearly a difficulty of co-use of the footpath. We would support a restricted speed on the footpath, with the priority being the pedestrian.

Ms PEASE: The most vulnerable user.

CHAIR: It is very different to the little scooters you hire in Bali or on the Gold Coast, but you have to be licensed to ride those.

Mr WATTS: I am interested in your thoughts around technology that scans the environment and says the environment is busy so it automatically starts to shut the speed down. Is the escalation in the trauma you are seeing related to speed, is it alcohol related or is it frequency related? I am trying to work out what is driving the number.

Dr Hope: I think the number has increased and the severity of the injuries has increased in proportion to the speed, which we did not see before when these things first came on the streets.

Mr WATTS: What about helmet use and protective use?

Dr Hope: Correct. Not everybody is using helmets, particularly people who are getting on a scooter at night. On the whole, the private users are pretty good at putting a helmet on; however, they are travelling faster.

CHAIR: Thank you for your time. We appreciate it.

KIRK, Mr Andrew, Principal Technical Researcher, RACQ

TUCKER, Mr Joel, Manager, Road Safety and Technical, RACQ

CHAIR: I invite you to make a brief opening statement.

Mr Tucker: My name is Joel Tucker. I am the manager of Road Safety and Technical at RACQ. With me today is Andrew Kirk, who is our principal technical researcher. We both work in the public policy department at RACQ.

RACQ thanks the committee for the opportunity to make a submission and for the invitation to attend and give evidence at the hearing. RACQ is Queensland's largest club, representing 1.7 million members who are not just motorists. The vast majority are also regular path users as pedestrians, cyclists and personal mobility device users. RACQ has noted the increase in popularity of e-personal mobility devices, in particular e-scooters, in Queensland. From the hire schemes through to the personally owned devices, there is a lot of interest in e-scooters and Queensland has been somewhat of an early adopter and trailblazer in this space.

Over the last 18 months to two years, RACQ has invested a lot of time into researching members' views and experiences, testing devices, developing insights into safer e-scooter device features and participating in government working groups related to legislation and parking. We have also invested in a partnership with the RBWH Foundation and the Jamieson Trauma Institute to fund research projects centred around creating a knowledge base illustrating the true extent of e-scooter and e-personal mobility device injury in Queensland.

In RACQ's Safer Pathways survey, we found that one per cent of responders had issues on separated pathways. This demonstrated that separated pathways are the most effective at providing safe, accessible and low-stress environments due to that low number. It also found that approximately 80 per cent of respondents would still use a pathway even though they did not feel safe doing so. This highlights that often there are few alternatives available along a person's journey. The survey found that 61 per cent of respondents called for either improving an existing pathway or constructing a new pathway, and this demonstrates the value of having connected and accessible pathway networks in Queensland.

In our recent 2023 annual road safety survey, the majority of Queensland drivers over 18—being 80.3 per cent—said that they feel e-scooters and other electric personal mobility devices have increased mobility options and improved travel affordability in Queensland. However, almost nine in 10—at 88.6 per cent—feel that the introduction of these devices has resulted in a less safe road and pathway environment. It is because of these findings and the need to maintain mobility while also achieving safe transport that we stated in our submission to the committee that RACQ agreed with the proposed changes under the Transport and Other Legislation Amendment Bill 2023. We welcome today's opportunity to answer questions from the committee on our submission.

CHAIR: Thank you.

Mr WATTS: I am interested in the data as well. You have obviously done some research. I am interested in categorisation and making sure this data is usable across different areas—for example, in trauma versus road use design versus whatever. Is there any standardisation of the data collection or is it basically, 'Let's ask this question'? I am trying to work out how we can ensure that as different people collect different lots of data it is actually usable.

Mr Tucker: I will ask Andrew to comment on some of the research we have had from our members because we have surveyed them and asked for self-report data. Firstly, I would like to make the comment that one of the projects on which we are partnering with RBWH Foundation and Jamieson Trauma Institute is a patient survey at the emergency departments at the hospitals. The trauma nurses will have a questionnaire and they will sit down with the person who comes in with the injuries and ask them some questions such as 'Did you own the device?', 'Was it a hire device?', 'What device was it?', 'How fast were you going?'. They are all the things that we are not capturing at the moment. At the moment, the crash data that we are getting through police and TMR is focused on road type crashes and in a lot of cases single-vehicle crashes are not being reported. We are trying to fill those gaps.

Mr WATTS: I guess that is my interest, and if I can throw into that as well the tourist thing—whether they were given any instructions, whether they understood what they were getting into. It seems to me that there is anecdotal and bits of information around. It would be nice to have that knocked into one shape that can help us based on outcome.

Mr Tucker: That study is going to kick off soon. I have seen the questionnaire for that and it is very comprehensive. It is something that will fill in some of those gaps and give us a good perspective of what is going on out there from the people who have been involved in the crashes themselves. Andrew, can you provide some detail on what the members reported to us in our survey last year?

Mr Kirk: What we found is pretty much in line with what Dr Hope said earlier—that is, the majority of users who have had accidents are riding under the influence of alcohol, they are speeding and they are not wearing a helmet. We think they are the three key areas of data collection, as well as trying to find out the mindset around why riders feel that these scooters are still a toy and not a vehicle. We are going down that path. We are currently also doing some work with the University of the Sunshine Coast. They are doing another safety survey on e-mobility devices and we are helping them with that survey and what sorts of questions they should be asking.

Mr WATTS: Apart from the lack of development of the frontal lobe, which might be one of the major causes. Is there any talk of centrally consolidating this data? As legislators, you want to make decisions based on facts and to do that you need to understand what the facts are, which then means you need the data collected in multiple ways across multiple areas in a format that is translatable. Is there any central repository for this or is it all just flying around in the ether?

Mr Kirk: The short answer is that it is all just flying around at the moment. We have also been in contact with the RACWA. They are looking at doing some work in this space as well, so we are collaborating with other people. The honest truth is that there are not very many organisations out there looking at collecting this sort of data to educate users and the public.

Mr WATTS: The problem you then have is that we come up with some legislative answer but we have absolutely no idea if it works or not because we do not understand what we were measuring in the first place. Would that be a fair comment?

Mr Kirk: That would be a fair comment, yes.

Mr WATTS: I see the problem.

CHAIR: I forgot to tell the witness from the bicycle user group that we would appreciate getting a reply to the question on notice about the roundabout rule by 12 pm on Monday, 13 November.

Ms PEASE: Thank you for coming in and for your great work. I have been a long-term member of the RACQ. It was one of the first things I joined when I got my driver's licence. I am interested in a couple of things. You said that you have surveyed your members around the use of these devices. Did you inquire if any of your members owned the devices?

Mr Kirk: Yes, that was one of the first questions. It was whether or not you used an e-mobility device that was a rental, whether you owned one, what type of device it was—be it a mono wheel, an e-scooter, an e-bike or what have you—and it went on from there. It even got to the point of, if you did not own one, whether you were thinking of buying one, what features you would look for if you were going to buy one, how safety features were rated in purchase considerations and whether or not maximum speed affected your purchase decision. Unfortunately, a lot of people said that, yes, speed and being able to change the speed was a purchase consideration that they were looking for.

Ms PEASE: Do you have any information on the number of respondents to that? As a percentage, how many people said that they owned one or wanted to use one or had used one?

Mr Kirk: I do not have that information in front of me, but I am happy to take it on notice and send that to you.

Ms PEASE: Is it possible, Chair, that we see some of those results of that report? Am I allowed to ask that?

CHAIR: By all means.

Ms PEASE: Is that a public document?

Mr Kirk: Yes, and I am happy to send you a copy.

CHAIR: Can we have that by 12pm on Monday the 13th?

Mr Kirk: Certainly.

Ms PEASE: Given that you have such a large membership base, there would be some really good information in there. My next question then goes to insurance. I know that RACQ provides insurance for motor vehicles. Do you extend that to these devices—electric bicycles and mobility scooters? Can you provide any advice on that?

Mr Tucker: In order to give you the details about all of that, we would have to get an insurance representative to provide that to you.

Ms PEASE: That is okay. I am intrigued. Would those members that you surveyed be members of the RACQ Automobile Club or are they just general members of RACQ in terms of everyone that is on your database—the 1.7 million.

Mr Kirk: I do not know.

Mr Tucker: We would have to get you the demographics on that.

Ms PEASE: Whether they are insurance customers or whether they are the royal automobile club.

Mr Tucker: You get membership with the different products that you get with RACQ. If you have an insurance policy, you are a member of the club.

Ms PEASE: That is my question. So was the inquiry that you did around the PMDs to everyone that might be an insurance customer—whatever product they have, but they are a member?

Mr Tucker: It would be anyone who has a product, whether it be roadside assistance, insurance or both or a mix, yes.

Ms PEASE: Did that inquiry ask if they had been involved in any traffic incidents?

Mr Kirk: Yes. One of the questions was whether or not they had had any type of accident, whether it involved hitting an object or hitting another person or another path user. Then further on from that we asked whether there were any injuries sustained, and this even came down to people who were not PMD users, so pedestrians who had the option to say, 'No, I have not ridden one and this is why'; 'I feel they are unsafe and this is why'; and 'I think they should be registered or licensed.' All of these sorts of questions were in that survey, which I will send you.

Ms PEASE: Thank you very much.

CHAIR: From your submission, regarding the requirement for children or vulnerable road users to provide their particulars to police, could you elaborate on your concerns there?

Mr Kirk: Basically, PMD users have to be over 16 years of age but we are now bringing bicycles into the mix. If a young child of 12 or something is on their way to school and they have an incident—they hit a person—our concern was, basically, the vulnerability of that child giving their personal details to an adult. That has been addressed, so we are happy with that.

Mr HEAD: I am wanting more general comments on what RACQ thinks about this legislation. You note that it is a good step, but what else within the scope of this legislation could be done to improve road safety across Queensland? There were some previous comments in the hearing about the infrastructure and the separation between active transport and cars. Are there any key gaps that you think could be addressed with legislation?

Mr Tucker: I think one of the key issues in Queensland to do with road safety in general is enforcement of road rules. Our members constantly tell us that, rather than continued increasing of fines and penalties, they would prefer to see an increased on-road police patrol presence to be able to actually pull people up and correct wrong behaviours, and that applies to all road user groups. That is an ongoing theme of our advocacy in the road safety space over a very long period of time, and that remains the case. Now that we have a very large state massive road network, we need to have more police presence on it in order to police the roads, enforce the road rules and ensure we are getting safe road user behaviour across all road user groups.

Mr WATTS: One of the things I am interested in, as you collect data, is the difference between capital city, regional city, provincial city and remote Australia. Is your data being collected in such a way that that is easily stratified and disassembled? Road users and requirements are quite different as you traverse those differences in Queensland's landscape.

Mr Tucker: The survey data that we have done would be able to be divided up further into different areas. We would have to probably check in with our research team and have a look at that. As Andrew said, we can provide the report that we already have and then we are happy to discuss further if needed. In terms of the crash data projects that we are working on with RBWH Foundation and Jamieson Trauma Institute, we will be able to use that data to talk about different locations and look at regional versus central—

Mr WATTS: Sorry, to clarify, I am interested in two parts of that: where the crash occurred and where the person was from. Those two things may have a correlation that is interesting.

Mr Tucker: The crash data, based on the questionnaire that we have, should be able to provide that. There should not be a problem with that. For the research data that we already have in terms of the survey data I am not sure; I would have to check on that. When we have the report we will be able to provide that and have a look further if we need to.

Mr WATTS: Part of the reason I am interested is in terms of education. For example, when bush kids go to the surf at Easter or Christmas, we run some very specific programs around surf awareness because we know that they do not necessarily have the same awareness as someone who has grown up on the coast. Thinking about going into a tourist area where these scooters and different devices may be available and where the environment is very different from what you are used to, I am interested in whether that has an effect and how you would target education around that. That would be useful, thank you.

CHAIR: I am going to seek leave for the document from Dr Buning to be tabled. We will table that. There being no further questions, we thank you for your time.

O'DWYER, Mr Jason, Executive Director/Association Secretary, Queensland Bus Industry Council

Mr O'Dwyer: Thank you, Chair and committee, for the opportunity to appear. QBIC, as we call it, is the peak industry association representing bus operators, manufacturers and supply partners in the bus industry in Queensland. For over 100 years we have worked representing and supporting the industry and the safety of the travelling public. The bill, as presented, as it affects the bus industry is largely supported. However, there are some concerning areas for us, probably in a particular drafting issue that we have.

With the transfer of services to the NHVR, the safety duties that have been created is a third of possibly four safety regulators that will affect this industry. We have the Workplace Health and Safety Act and the department there; we have the NHVR that will cover us; we now have TMR and their safety requirements; and, as the chair may recall, we also have the Electrical Safety Office, which is about to perhaps put some draft legislation to the parliament about changes there that will significantly impact motor vehicles, depending on which way they go for their decisions. We then have Queensland police and other regulators et cetera. It is a complicated area.

I will take the submission as read in terms of the status of the industry. It is vastly small business. We have some large international conglomerates, granted, but the vast majority of operators are small business. I am a little concerned about some of the drafting in terms of theirs.

In terms of the process we have been through with TMR about this bill, we were consulted back in November last year and provided a submission. Importantly, in that submission we did say to the department that we wanted to see the practicality of how this would be implemented. That submission was the last time we heard from the department in relation to this bill. We regularly meet with the department, and it was a surprise to us to find that a bill had been through cabinet and then placed in parliament. I was also happy that you accepted my late submission and going from there. The lateness is something of a concern for us, but it also raises a concern for us that the department has also released a second tranche of changes that will affect the regulations. We were particularly concerned about the fact that, although it has not been agreed to through the parliament, the second tranche of changes has already been put in place. What we are trying to understand is what the long-term impacts would be and how it affects our members. In terms of looking at the second tranche of changes, I am questioning why those changes were not placed in this bill at the same time so that we could have a full understanding of what is about to occur.

We are quite looking forward to the April date next year with regard to the NHVR. That will mean a significant change in the bus industry. The current practice of TMR with the bus industry has been relatively hands-off, because of contract negotiations and things like that that go on and the amount of control the department has had in terms of contracts with schools, school-based services and also commercial-based services. We are looking at an area of very high change occurring in a very short period of time, and we are concerned about the lack of consultation coming out through that process. We are supportive, as I said, of the need for safe travel and operations, and have for over 100 years, and we have always worked with governments to improve safety. However, it is at a very late stage with this legislation that we had to put in a submission and have some more concerns raised. Thank you, Chair.

Mr WATTS: You said that there are several pieces of legislation there. To what extent is training, information days or education provided by any of those different regulators that impact on a small business trying to jump between jurisdictions, legislation and requirements that may or may not be in conflict?

Mr O'Dwyer: At this stage there has been no assessment of the education needs of the industry. My understanding—and I probably will defer to the department to clarify this or correct this if it is wrong—is that, for certain sectors within the industry such as community clubs and private schools running their own buses, over 4.5 the National Heavy Vehicle Regulator will now take carriage. My understanding is that the department previously had an exemption for those classifications of businesses and providers. I caught the CEO of the NHVR, Sal, just after he finished his evidence here and he has made it very clear to me that if it is over 4.5 tonne it is in his legislation's purview.

There will be a significant change coming to the bus industry across Queensland in the next six to eight months, so it is a really large education piece. I talked to the NHVR CEO about doing an education campaign next year. He has agreed to appear at our conference next year and do a Q&A as well, but there is a massive amount of education that needs to go on. From my point of view, the

gap between providing submissions and then this bill and nothing in-between I think is a lost opportunity in terms of being prepared to go to industry and give them that information, because they will need it.

Mr WATTS: Could you speak to the gap between the various regulators? Obviously this bill is involved in one regulator, but you mentioned several other pieces of legislation that impact safety. I look at buses in that pretty much everybody who has a kid knows that their kids are going to be travelling on a bus and you want to make sure it is safe—

Mr O'Dwyer: Absolutely.

Mr WATTS:—and trying to have legislation that either is not in conflict or fits together. Is there a document that puts all of this together that someone can have and go, 'Right, these are the things I've got to do'?

Mr O'Dwyer: No, there is not and for QBIC as an industry association that will be our next task to do.

Mr WATTS: To try and collate?

Mr O'Dwyer: We need to collate that, because this bill says that every operator must have a safety management plan. When you have a safety management plan that needs to take into account the transport changes here plus the NHVR plus Workplace Health and Safety Queensland and balance the difference and responsibilities of executive officers or persons conducting a business or undertaking it—and I forget what the NHVR called their areas. In the document I have provided looking at who the responsible persons are, all three have a different definition of what the responsible person is, so for a PCBU 'executive officer' I think is TMR's current definition and NHVR also call it an 'executive officer'. However, their definition covers that it is a director of a corporation whereas the transport department does not mention anything about directors; it only mentions 'executive officer'. From a legal perspective, in my view—and I am not a lawyer—that causes confusion for a judge to sit there and say, 'Who's responsible for the PCBU? Is it the NHVR or is it Transport, so who are we responding to?'

Mr WATTS: Just so I understand that, you would be interested in that being cleared up as part of the legislation or at least a hierarchy of who is responsible above?

Mr O'Dwyer: I think so, and this is why—

Mr WATTS: As opposed to going to court and finding out what a judge thinks.

Mr O'Dwyer: And a lot of our members would not be able to afford to go to court, so it would be accepting the decision and going from there. I think there are some drafting issues in that respect. If there is not a drafting issue in terms of just the legislation as opposed to TMR, the broader legal ramifications will cause confusion for the industry, and we are talking about small businesses here. They are not going to be able to have workplace health and safety specialists at their door, so it is those sorts of things that are concerning for us.

Mr WATTS: Thank you.

Ms PEASE: Thank you very much for coming in. I am just inquiring about your membership. What does your membership base look like?

Mr O'Dwyer: We have commercial operators, as I said, so international conglomerates. We also have large family owned businesses. We have small family owned businesses. Most of the Kangaroo Bus Lines, Brisbane Bus Lines and all of those sorts of organisations are there.

Ms PEASE: Are you affiliated? Is there an Australian peak body as well?

Mr O'Dwyer: Yes. We are affiliated with the Bus Industry Confederation. I generally look after the state base, but I work very closely with the national body, the Bus Industry Confederation, and they have some resources in terms of technical expertise and things like that that really help us out with Australian Design Rules, bus specifications, zero-emission buses and things like that—that is, the expertise that I do not have within my organisation—so it is sort of shared across the country.

Ms PEASE: Given there are other jurisdictions where the National Heavy Vehicle Regulator is already in place and operating, how have they approached and managed the changes and what has been the impact on those organisations like yours and the bus companies?

Mr O'Dwyer: The department has highlighted Victoria and Western Australia as having similar provisions to what is here. The other states do not have it, so my understanding is that the NHVR takes responsibility for heavy vehicles, including buses. There is still a transport department in each of the states, and with the terrible tragedies in the Hunter Valley this year there are a number of

regulators that are prosecuting that. There is still a transport department there, but in terms of the safety aspect my understanding is that the NHVR has sole responsibility in New South Wales, Tasmania and South Australia. That is my understanding, but I may be corrected on that.

Ms PEASE: What has been the impact of that?

Mr O'Dwyer: That has been well accepted in that respect. As far as I am aware, there has not been any pushback or anything like that from them, but, again, they are not dealing with multiple differences in that respect, either—not to the extent that I think this presents.

Ms PEASE: Thank you.

Mr WATTS: You expressed some concern around 67K of the bill and its relationship to other safety laws. Can you expand on that? What you would suggest we consider as a committee?

Mr O'Dwyer: Let me give you an example, and I was trying to think of an example that might actually work in this circumstance. One of the second tranches that the department is asking us to consider, for example, is what we call a frame life. There is a frame life inspection, and Queensland is the only state in Australia that has a life expectancy of a bus at 30 years if you do a frame inspection at 20. One of the other things in the safety area that the bill presents is that there is a driver who needs to be responsible for his own actions et cetera, but there is also a duty there for the operator to ensure they are driving correctly. You then have the workplace health and safety act and the national heavy vehicle regulation as well. If I have a 25-year-old bus, for example, and if I have to do what this act says and if I have two requirements from two different pieces of legislation—being this act and, say, the NHVR or the workplace health and safety act—in relation to driver behaviour and I have to do all things possible, that means I have to retrofit a telematics system that monitors the driver's braking, accelerating, cornering and how he drives through his shift. Retrofitting those sorts of systems into a 25-year-old bus would certainly be an expensive exercise, and in a 25-year-old bus it is probably doubtful that you could do it, at least at an effective cost.

The workplace health and safety act clearly states that you can take into account the cost, and if it is prohibitive et cetera then you can go through that process of doing that. NHVR has some indication that cost can be considered, but it is not as strong as the workplace health and safety act. This bill, however, has none of that, so there is no ability. It just says 'must', so if it is possible you must. That can lead, in my view, to some pretty adverse actions. I cannot think of huge amounts of examples, but it could lead to that. The department will say, 'We would never say that that would have to happen,' but, again, if we have a tragedy and you are sitting in front of a judge and this legislation says that whatever is possible you must do, it places people at risk and small family businesses are not going to be able to deal with that. That is one example.

The technology is moving so fast, and I have seen the telematics stuff and I have seen what some of our large international conglomerates do. That is great stuff and it changes behaviour. The drivers get a live feed of how they are driving with just three little lights on their dashboard—green, yellow and red—so they themselves are getting feedback from the bus about how they are driving. It changes behaviours and it makes it safer for passengers and general road users. If you then have to retrofit that sort of thing onto a school bus that is 25 years old, there is no way a small operator would be able to do that. To give you an idea, when I say a 'school bus operator', they do two hours in the morning and two hours in the afternoon. Particularly out in Western Queensland, a lot of them will go and work on their farm for the rest of the day and in-between times. You have to pull it off the road and send it to Brisbane, because you will not be able to do it in Toowoomba, so it is a lot of time and effort.

Mr WATTS: This is always one of my concerns—that is, what is a really good idea may be practical for a large business in the centre of the CBD but may in fact be fundamentally difficult for a small town school bus to do the same.

Mr O'Dwyer: Yes, and I can work with our school bus operators and our smaller operators to provide a safety management system that is appropriate for their size, but when you have a piece of legislation saying 'whatever is possible must be done', that does not pass the test.

CHAIR: So you seek to have that language altered?

Mr O'Dwyer: At some stage, yes. It is those sorts of things that really put small businesses at risk, and even large businesses.

Mr WATTS: We do not want a situation where because we must there is no bus. That is the potential outcome.

CHAIR: You mentioned Kangaroo Bus Lines, which is in my area with Darren and the Websters. I also have Thompsons. I think they have the old double-decker. I do not know if they still run that as a school bus, but I would hate to see having to fit what you are talking about to some of those.

Mr O'Dwyer: One of the big issues at the moment is no seatbelts. There are a lot of older buses and it is not mandatory in terms of seatbelts for school buses in Queensland. It has been made mandatory in New South Wales and they only have, I think, 30 buses left to do. They have spent \$22 million over the last few years retrofitting seatbelts and there is a report coming from TMR—and it has been coming for some time—about an evaluation of whether or not we should make seatbelts mandatory in all school buses. Again, with these changes, regardless of what the report says, if this says, 'If it's possible you must do it,' does the operator then have to fork out for mandatory seatbelts?

CHAIR: Some of the operators would love seatbelts, because trying to get the kids to sit down while they are driving is difficult.

Mr O'Dwyer: Behaviour on school buses is a whole different parliamentary inquiry.

CHAIR: Yes. As there are no further questions, thank you very much. Jason, it is good to see you again.

Mr O'Dwyer: Thanks.

CHAIR: We really appreciate that. That concludes this hearing. I want to once again thank everyone who has participated today. We did have those questions on notice and we will get those answers back in time. Thanks to Hansard. A transcript of these proceedings will be available on the committee's webpage in due course. I declare this public hearing closed.

The committee adjourned at 10.58 am.