

9 April 2026

The Chairperson
Mr Jim McDonald MP
State Development, Infrastructure and Works Committee
Parliament House
George Street
Brisbane Qld 4000

Via online submission

Dear Mr McDonald,

Re: Transport and Other Legislation (Managing E-mobility Use and Protecting Our Communities) Amendment Bill 2026

Thank you for the opportunity to provide feedback on the *Transport and Other Legislation (Managing E-mobility Use and Protecting Our Communities) Amendment Bill 2026* (the Bill).

Public Advocate's submission in a nutshell

The problem: The E-mobility legislation will unreasonably inhibit the social inclusion activities of people with cognitive and other disabilities.

The solution: 1. Enable people whose disability inhibits them from obtaining a driver's licence to be exempted from this requirement when using an e-bike or personal mobility device if they acquire a special circumstances permit. Obtaining a permit should require a doctor's certification that the person is unable to obtain a driver's licence but is fit to operate the device in question, subject to any pertinent conditions.

2. Enable the term 'motorised mobility device' to be expanded by regulation to accommodate future technological advances.

As you would be aware, as the Public Advocate for Queensland, I undertake systemic advocacy to promote and protect the rights and interests of Queensland adults with impaired decision-making ability.¹ There are several conditions that may affect a person's decision-making ability, including intellectual disability, acquired brain injury, mental illness, neurological disorders (such as dementia) or alcohol and drug misuse.

In relation to the Bill, I wish to raise a concern about the potential unintended consequences of what will otherwise be a very important initiative in improving community safety. I am concerned that the Bill will inadvertently affect the ability of adults with impaired decision-making ability to continue to operate a range of devices that can be crucial to their quality of life and social integration.

This issue was raised during the Inquiry into e-mobility safety and use in Queensland (the Inquiry) that this Committee undertook. During the course of the Inquiry, the Committee heard that e-bikes and personal mobility devices are used by people who are unable to drive or obtain a driver's licence, including people with disabilities.² Submissions were heard during the Inquiry that such devices offer people with disability greater independence and access to essential services and employment and

¹ *Guardianship and Administration Act 2000* (Qld) s 209.

² State Development, Infrastructure and Works Committee, *Inquiry into e-mobility safety and use in Queensland* (Report No. 21) February 2026, p 20.

enable people to participate in social activities. These devices were seen to be particularly valuable to individuals who are unable to obtain a driver's licence, enabling equitable participation in economic and community life.³

My submission is that two amendments can be made that will allow the legislation to still address the very legitimate community safety concerns that accompany the use of e-mobility devices, without negatively and unduly affecting people with disability.

The licensing requirement

Clause 34 of the Bill inserts a new section 78B into the *Transport Operations (Road Use Management) Act 1995*, requiring a person to have a driver's licence to ride or operate an e-bike or personal mobility device in a public place.

The requirement for all riders of e-bikes and operators of personal mobility devices to have a driver's licence will disproportionately affect people with disability who cannot obtain a licence due to their disability. Indeed the impact of this reform on people with disability would be profound.

For example, a person with a disability who is unable to read or write is unable to obtain a licence. Although during the Inquiry, the 'PrepL' course to obtain a learner licence was explored for people with varying abilities, this online course still requires the ability to read and write (as well as a relatively consistent ability to access an online service that people may not necessarily have). The Inquiry also heard that 'family or friends' could assist someone to complete the PrepL course, which in my view is not a sufficiently reliable solution for people with disability.

My own 22-year-old nephew, Matthew, rides an electronically assisted tricycle (a 250 watt powered tricycle with a maximum power-assisted speed of 25 kmh), which gives him enormous enjoyment and enables him to accompany family members on bike rides (and occasionally a slow-jogging uncle). Matthew has a significant intellectual disability and would not be able to obtain a learner licence. If the current Bill were to be enacted, Matthew would no longer be able to ride his tricycle.

I submit that an exemption to the requirement for e-bike riders and personal mobility device operators to have a driver's licence should be introduced. This could take the form of a special circumstances permit, which to be acquired could require a doctor's certification that the person is unable to obtain a driver's licence but is fit to operate an e-bike or personal mobility device. The certification could also include particular conditions pertaining to the use of the device in question.

Such an exemption would enable people with disabilities who cannot obtain a driver's licence, and who have no intention of riding their e-bike or operating their personal mobility device on a road, to continue to use their device where it is safe for them to do so.

The definition of 'motorised mobility device'

As the Committee is aware, technological advancements have resulted in a new range of electric mobility devices being developed specifically for people with disability to aid their mobility, such as is the case with my nephew Matthew's powered tricycle.

While some of these devices should properly fall within the definition of e-bikes or personal mobility devices, there are other new and emerging devices that might better be classed as a form of 'motorised mobility device'.

Motorised mobility devices are defined by the *Transport Operations (Road Use Management) Act 1995* to be either mobility scooters or motorised wheelchairs, which in turn are further defined as vehicles that are made to be used by a person who is unable to, or has difficulty walking.

³ State Development, Infrastructure and Works Committee, *Inquiry into e-mobility safety and use in Queensland* (Report No. 21) February 2026, p 21.

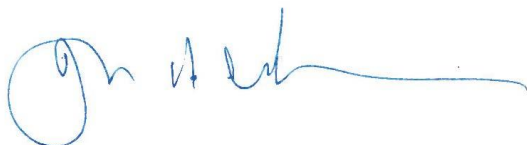
In the Bill before the Committee, motorised mobility devices are defined not to be personal mobility devices (see clause 52 of the Bill that amends the current section 15A of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*).

My submission is that the term 'motorised mobility device' is currently too narrow, and may be increasingly seen as too narrow as technological advancements continue to occur. A solution here is to enable the term 'motorised mobility device' to be extended by regulation through an insertion of a new paragraph to this effect in the definition of 'motorised mobility device' in Schedule 4 of the *Transport Operations (Road Use Management) Act 1995*.

In conclusion, although it is clear that the Bill is intended to provide for reforms that respond to very legitimate community concerns about the use of e-mobility devices, the Bill in its current form will inequitably affect people with disability. I hope that the changes that I have suggested above will be carefully considered to help mitigate unintended consequences and ensure that people with disability can continue to move freely, access their communities, and participate fully in all aspects of daily life, just as others do.

Thank you again for the opportunity to provide feedback regarding this Bill. Should you wish to discuss this submission further, please do not hesitate to contact me (via email public.advocate@justice.qld.gov.au or phone 07 3738 9513). I would indeed be very happy to speak with the Committee if the Committee would like me to do that.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Chesterman', with a long horizontal flourish extending to the right.

John Chesterman (Dr)
Public Advocate