

Circular Details	Circular No 18-40 / 30 November 2018 / A621809
Who should read this	Councillors / General Managers / Ranger Services/ Transport Services / Land Management Services
Contact	Policy Team / (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

Expanded powers under the *Impounding Act 1993* to manage shared bicycles

What's new or changing

- The *Impounding Amendment (Shared Bicycles and Other Devices) Act 2018* was gazetted and commences on 30 November 2018.
- This follows consultation workshops in mid-2018, including with councils, and passage through Parliament in September.

What this will mean for your council

- Councils and other impounding authorities now have expanded powers to manage shared bicycles that cause obstructions, pose safety risks or are left unused in one place for too long based on clear, risk-based time limits.

Key points

- Councils are encouraged to develop and implement shared bicycle policies, based on the *Shared Bicycle Management Guidelines* released with this circular, to ensure consistent application of the new powers.
- In doing so, councils should strike a balance between building cooperative relationships with operators to encourage a responsible and innovative shared bicycle service with taking regulatory action, where necessary, to address poor operations.
- Key features of the new laws include:
 - Council impounding officers will be able to immediately impound shared bicycles causing an obstruction or safety risk in a public place, or move them to another location.
 - Operators that do not remove a shared bicycle causing an obstruction or safety risk within 3 hours of being notified of their location by an impounding officer or any other person are taken to have abandoned the shared bicycle.
 - Operators that do not remove a shared bicycle left in the same place for more than 7 consecutive days within 4 days of being notified of its location by an impounding officer or any other person are taken to have abandoned the shared bicycle.
 - Where an operator is taken to have abandoned a shared bicycle, they will now be subject to a fine of \$500 or a maximum court penalty of \$2750.
 - Council impounding officers can also issue removal notices for shared bicycles left in a public place in contravention of the new laws. Operators failing to comply with the notice are taken to have abandoned the shared bicycle.

- The ability to create a Code of Practice with further standards for shared bicycle operations and/or to regulate other types of shared transport devices in the future.
- The Government will monitor the effectiveness of the new laws before determining whether to regulate more standards for how share bikes are operated.
- Meanwhile, councils are encouraged to work with operators of bicycle sharing services to develop agreements in relation to standards such as user education, data sharing and preferred parking zones and parking exclusion zones. Information about these can be found in the guidelines.
- Councils are able to apply for funding for cycling infrastructure under the Active Transport (Walking and Cycling) Program. Applications for funding under the 19/20 program close on 14 December 2018. Portal and application guidelines are available here: <https://www.rms.nsw.gov.au/business-industry/partners-suppliers/lgr/active-transport/index.html>

Where to go for further information

- Councils in metropolitan locations in which shared bicycles are operating, or likely to operate in the near future, will be invited to send a representative to attend a briefing on the new laws on the morning of Friday 7 December.
- Further information is available on the Office of Local Government website at www.olg.nsw.gov.au including:
 - *Shared Bicycle Management Guideline for Councils*
 - *Shared Bicycle Community Factsheet and New Rules for Share Bicycles* infographics.

Tim Hurst
Chief Executive