



Draft Commercially Operated Share Scheme Policy

Note – Due to a recent law change that requires bicycle share schemes to have an agreement with Council, the final version of this policy will be amended to apply equally to bicycles and electric scooters.

Acknowledgment of Country

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past, present and emerging.

DRAFT

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1. Definitions

- ‘*Bicycle*’ has the same meaning as in the Road Safety Road Rules 2017. References to bicycles include electric bicycles.
- ‘*Commercially operated share scheme*’ has the same meaning as in the Victoria Government Gazette No. S 162 (2023).
- ‘*Council*’ with a capital ‘C’ means Hobsons Bay City Council.
- ‘*Electric scooter*’ has the same meaning as in the Road Safety Road Rules 2017.
- *‘*Operational bicycle*’ means a bicycle deployed and available for short term hire.
- *‘*Operational electric scooter*’ means an electric scooter deployed and available for short term hire.
- ‘*Operator*’ means an entity that provides a commercially operated share scheme.
- ‘*Vehicle*’ means a bicycle and/or an electric scooter.

*These definitions are for the Schedule of Fees and Charges.

2. Purpose

The purpose of this policy is to set out the requirements of a commercially operated share scheme, which provides electric scooters for short term hire in the Council area.

3. Background

From 5 April 2023, commercially operated share schemes may be established in local council areas provided that an arrangement is in place between the operator and the relevant council as set out in the Victoria Government Gazette No. S 162 (2023).

4. Application of this policy to bicycles

This policy applies to bicycles available for short term hire if the operator also provides a commercially operated share scheme in the Council area.

Explanatory note: A ‘commercially operated share scheme’ as set out in the Victoria Government Gazette No. S 162 (2023) refers only to electric scooters. Clause 4 of this policy is to provide that an operator that makes electric scooters available for hire must also apply this policy to any bicycles provided as part of its service.

5. Requirements to commence a commercially operated share scheme

Before a commercially operated share scheme commences, a publicly available code-of-practice must be prepared to the satisfaction of Council setting out that an operator will at a minimum:

- A. Adhere to this policy for the duration of the commercially operated share scheme.
- B. Always retain responsibility and control of the scheme and its vehicles.
- C. Maintain clear communication channels with Council.
- D. Hold a public liability insurance of at least \$20,000,000 with Council a beneficiary.
- E. Provide coverage to the whole Council area except as provided at Clause 8.

- F. Deploy a maximum of 200 bicycles and 500 electric scooters.
- G. Conduct a professional, tidy, and responsive service.
- H. Provide methods for the public to make enquiries including a phone number.
- I. Provide an initial response to general public enquires within 24 hours and urgent public enquires within two hours.
- J. Reposition or recover poorly parked vehicles within 24 hours from when the operator is made aware.
- K. Require users to park vehicles clear of main walking areas.
- L. Make data available to Council including statistics related to usage, deployment, and community or customer enquires.
- M. Prepare a monthly summary of usage statistics, vehicle deployment, customer services enquiries, and other information to be published on Council's website.

6. Commencement and expiry of a commercially operated share scheme

When Council is satisfied that an operator meets the requirements at Clause 5, approval will be provided by Council in writing to the operator to commence a commercially operated share scheme.

This approval will expire two years from the commencement of a scheme. Operators may request Council to renew the approval for a further two years up to six months prior to the expiration date.

7. Payment of Fees

Following the commencement of a commercially operated share scheme, an operator must make payment to Council in accordance with the Schedule of Fees and Charges. The method and frequency of payments will be set out in the approval letter.

8. Geographical Restrictions

A geographical file will be made available to an operator where restrictions are to be placed on a commercially operated share scheme including:

- A. *No Parking Zones* – Areas where an operator must take steps to prevent a vehicle from being parked. In *No Parking Zones*, an operator may work with Council to designate in its smartphone app specific areas for vehicle parking where obstructions to the main walking area are avoided.
- B. *No Ride Zones* – Areas where an operator must take steps to prevent a vehicle from being used.
- C. *Slow Zones* – Areas where an operator must take steps to automatically reduce the maximum motor assistance speed of vehicles (generally to around 15 km/h).

Council may amend the geographical file from time to time without such amendments being considered at a Council meeting. Operators will be notified of any amendments.

9. Termination of a commercially operated share scheme

- A. If Council determines that an operator has not adhered to the requirements of this policy, Council may write to an operator to require the termination a commercially operated share scheme with 14 days' notice.
- B. Council may require an operator to pause a commercially operated share scheme for a short time in full or part with immediate effect.

Explanatory note: Clause 9.B is intended to apply to situations where vehicles may be damaged, or used to damage public or private property, or used to injure or cause harm to people or animals, or other negative outcome, such as during times of public disorder.

10. Revocation of the Victoria Government Gazette

If the Victoria Government Gazette No. S 162 (2023) is revoked, this policy remains effective provided that there is a similar legal mechanism requiring an arrangement between Council and an operator for a commercially operated share scheme (or similar terminology).

11. Incorporation into the Community Local Law

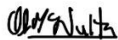
Council will incorporate the requirements of this policy into the Community Local Law.

Council will penalise any company operating under this policy who do not adhere to the requirements of the policy. The penalty will be incurred in line with the provisions set out in the Community Local Law.

12. Document control

Policy Name	Commercially Operated Share Scheme Policy
Object ID	TBC
Agility Document Number	TBC
Responsible Directorate	Director Infrastructure and City Services
Policy Owner	Manager Capital Works
Policy Type	Council-endorsed policy
Date Adopted by Council	TBC
Review Date	As required

13. Version history

Version Number	Date	Authorised by
V01	13 May 2024	
V02	3 July 2024	