

**INQUIRY INTO USE OF E-SCOOTERS, E-BIKES AND  
RELATED MOBILITY OPTIONS**

**Name:** Name suppressed

**Date Received:** 6 August 2024

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Partially  
Confidential

# *Parliamentary inquiry into the use of e-bikes*



**Submission**  
**by**



**Name:**

**Address:**

**Email:**

**Phone:**

## **Purpose of this Submission**

This submission is to draw attention to the many e-bicycles that are currently being ridden illegally on NSW roads and the risk to both riders and others.

I will explain in detail why the bikes are illegal, based on advice from Transport for NSW, and how the lack of law enforcement will lead to serious legal and financial harm to those who are riding the bikes and others in our communities.

My lifelong passion for cycling, as well as five years as a director of the Motor Accident Commission SA and Road Safety Authority, and similar roles in NSW, have helped me to thoroughly understand this problem. See my profile at

I have provided suggested solutions that I believe will help mitigate the risk for Government, bike riders and others in the community.

I would be happy to give evidence at the hearing.

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The list attachments below follow on from the submission:-

- Appendix 1 – Transport for NSW Advice
- Appendix 2 – Exempt and Non Exempt E-Bike Fact Sheet
- Appendix 3 – Illegal E-Bike News Media Articles and Example Images

## INTRODUCTION

I am a bicycle enthusiast who has been riding bicycles all my life.

These days, I am an avid road cyclist, off-road gravel bike and mountain bike rider. I also use my bike to commute locally where I live in Cronulla.

I am not against e-bikes - one of my many bikes is a Giant MTB e-bike. I want to see more people riding bicycles including e-bikes, but they should be legal and safe for the riders and people around them.

In Cronulla in the Sutherland Shire, where I live, the proliferation of illegal e-motorbikes now masquerading as e-bicycles on our local roads, footpaths and shared cycle paths are a danger to many.

Children, some as young as 10, and many adults ride these 50-kilogram e-bikes at high speeds, often in groups, many with two pillion passengers. These bikes, colloquially known as "fat bikes" because of their oversized tyres, travel at speeds of more than 30 km/h without the rider turning the pedals.

The overpowered e-bikes are not bicycles - they are unregistered motorcycles (mopeds) according to Transport for NSW (TfNSW).

To be ridden on NSW public roads TfNSW says clearly these bikes must be registered, have CTP insurance and be ridden by a licensed rider (which means no rider under the age of 17).

They cannot legally be ridden on footpaths or shared cycle paths regardless of the rider's age.

The law is clear on this, but it is not being enforced. To understand WHY the Law is not being enforced is the purpose of my submission. Lack of enforcement is putting both riders and the community at risk.

### These Illegal Overpowered E-Bikes are Masquerading as Bicycles



1000-watt motor + throttle



750-watt motor + throttle

## 1. The FACTS

Transport for NSW advice (see appendix 1) shows to be classed as exempt from registration, e-bikes must meet specific requirements to be ridden as pedal cycles on NSW roads and road-related areas.

The two types of e-bikes permitted by Transport for NSW (TfNSW) are:

- Power-assisted pedal cycles, primarily propelled through pedalling with an auxiliary motor capable of generating no more than 200 watts.
- Electrically power-assisted cycles with a maximum continuous rated power of 500 watts that cuts off when a speed of 25km/h is reached, or if the cyclist is not pedalling and the travel speed exceeds 6km/h.

The bikes that are the subject of my concern do not meet the above criteria. They all have motors that exceed 500 watts. The bikes have 750 or 1000 watt motors or greater, and pedal assist does not cut out at 25km/h.

It is obvious when observing these bikes being ridden that the throttle is unrestricted: it does not cut off at the legal 6 km/h limit. These bikes are being ridden at up to 50km/h without pedalling, even up-hill, and are propelled solely by the motor. These motorbikes are not just being ridden on roads but are commonly ridden on footpaths, shared cycle paths and other public spaces. Using a throttle above 6 km/h is illegal.

Importers and distributors falsely claim the bikes are road legal because they restrict the more powerful motor to 500 watts or less.

TfNSW clearly states (see appendix 1) that the continuous rated power is a specification of the motor itself, hence an e-bike that uses a motor with higher power rated motor than the legal 500 watts, even if it is limited by software, switch, or other means, would not be an exempt bicycle, and therefore is illegal on NSW roads, footpaths and shared cycle paths. The bike is also illegal if it can be switched between power modes.

Distributors are claiming the e-bikes are legal when sold with a restricted motor but are providing purchasers with unlock codes to access the full power of the motor.

TfNSW states (see appendix 1) that powered bikes which don't comply with the definitions explained above should be considered motor vehicles under the Road Transport Act 2013 and fines apply for riding the devices illegally on NSW roads.

These vehicles are required to be registered, insured (CTP), and their riders appropriately licensed while being ridden on NSW roads and road-related areas.

Devices that do not meet these specifications can legally be used on private property only without complying with the provisions of the Road Transport Act 2013 or NSW road rules.

The Transport for NSW e-bike webpage states that e-bikes that are not exempt from registration, insurance and requiring a licence are classified as mopeds – a small motorcycle.

## MOPEDS

Transport for NSW own e-bike webpage clearly says that the e-bikes that are NOT exempt from registration, insurance and requiring a licence are in fact Mopeds – a small motorcycle. See details below.

### Moped laws

#### **A moped is a small motorcycle that:**

- has an internal combustion engine with a capacity not exceeding 50ml (50cc), or an alternative power source e.g. electric motor (*that is greater than 500 watts*)
- has a maximum speed of 50km/h
- may be either two-wheeled or three-wheeled
- may be pedal assisted.

#### **These vehicles are legal on NSW roads as long as they're:**

- entered on the Register of Approved Vehicles (RAV),
- compliant with the applicable vehicle standards
- registered
- ridden by a licensed rider.

### Given clear advice from TfNSW, WHY is the Law not being enforced?

If the Law was enforced the community's safety concerns about these overpowered, heavy and fast bikes being ridden on footpaths etc would be solved. Why! Because enforcing the Law would see these bikes classed as mopeds meaning they could not be ridden on footpaths etc and certainly not by children under 17.

Regardless of locking/restricting the more powerful motors to 500watts or less TfNSW advice clearly states these e-bikes are not legal and in fact are small motorcycles (Moped) and DO require registration, CTP insurance and a licence to ride one.

Because the Law is not being enforced owners of these bikes are riding them under the mistaken belief they are street legal. Doing so exposes the riders to significant risk in the event of a serious accident.

Whilst riding these overpowered bikes as bicycles is taking cars off the road, which is a good thing, it is doing so by placing the riders at significant risk in the event of an accident because of the bike's illegality. The Police are doing the riders no favours by not enforcing the Law. Not enforcing the Law will have no consequences for the rider until someone is seriously injured or killed then there will be serious consequences for the rider of an illegal motor bike.

## 2. The CONCERN

It is only a matter of time before increasing numbers of riders, pedestrians and pillion passengers are seriously injured or killed.

Bike owners are being misled by distributors that the bikes are road legal when they are not. This will result in the owner/rider of the illegal motorbikes being confronted with serious legal and very costly consequences.

Police have been passive at enforcing the law as outlined by TfNSW. The authorities' inaction is encouraging more and more bikes to be ridden illegally on our roads and footpaths, increasing the risk of serious accidents.

There are several problems e-bicycle owners and riders are facing:

- The e-bike is an unregistered motor vehicle. In the event of the rider causing a serious injury to a third party (a pedestrian or pillion passenger) the rider will be charged with riding an unregistered motorbike. If they don't have a motorbike licence they will also be charged with being unlicensed. This could result in a serious criminal charge and even a custodial sentence if a third-party is killed.
- The bike is uninsured, no CTP. If a third party is seriously injured and they make a claim for negligence, the rider will have no insurance and will most likely not have the financial means to settle any claim without insurance. As an example, a serious acquired brain injury will cost upwards of \$20million to provide care and support to that injured person over the course of their life. The rider could lose their house if they have one, or if the rider is a child, their parents could lose their house. While many riders may have house contents insurance that provides more than \$20m of public liability cover anywhere in Australia it will not cover illegally riding an unregistered motor vehicle.
- The Nominal Defendant will be liable. As the vehicle is uninsured and unregistered, the NSW government's CTP Nominal Defendant will be liable for the claim. The Nominal Defendant will seek to recover from the negligent rider though they may not be able to make a recovery due to the rider's lack of assets. This will result in financial loss to NSW motorists as CTP premiums charge a levy to fund the Nominal Insurer.
- Liability exposure for distributors. The misrepresentation of the bikes as road legal when TfNSW states they are not, creates a liability exposure for the retailers and distributors of the bikes. They will find themselves joined into a liability claim made by an injured third party for providing false and misleading advice. The retailers and distributors own public liability policy is unlikely to provide cover in this situation.

- Councils will be faced with legal action. Local governments could find themselves being joined in a legal action for injuries that occur on property under their control such as shared cycle paths, footpaths and pedestrian malls. Councils are aware of the issue and will need to be able to demonstrate that they have taken all reasonable action to mitigate against any incidents on property they control. If they can't, they will find themselves contributing to any settlement. Councils have deeper pockets than most and will certainly be a target in any litigation. They need to be active in mitigating against this risk and be able to clearly demonstrate what actions they have taken.
- Police inaction is encouraging more bikes to be ridden illegally. Police's lack of action will have dire consequences for the riders of these bikes when increasingly they have accidents in which they, or others, are injured. Police will be forced to apply the law in the case of injury or death resulting in fines for the rider and potentially a criminal charge for the riding of an unregistered, uninsured bike and not holding a licence. Police enforcement of the law would mitigate this risk. The police are not doing the community any favours by their passive approach to enforcing the law.
- Missing information on website. The Transport for NSW information on its e-bike website ([CLICK here to read](#)) does not give great clarity that an overpowered e-bike that has a motor with continuous rated power above 500 watts is not legal even if restricted to 500 watts or less. By this omission on TfNSW website distributors are falsely claiming that restricting the motor does make the bikes legal. TfNSW clarifies that it does not in appendix 1 ([CLICK here to read](#)) but it should be on their website. If TfNSW meant restricting the motor made the bikes legal the website would say so, it does not. TfNSW should make this clear on the website
- Bicycle helmets, while not the subject of this enquiry, it is worth highlighting the lack of enforcement on the wearing of this highly effective, evidence based safety device. Even the NSW Premier (see post in Appendix 4) felt strongly enough about the wearing of bicycle helmets to post on his Instagram account (3 July 24) about the need to wear one when cycling. Please, could the enquiry ensure enforcement of the law regarding illegal bikes also includes the enforcement of wearing an approved bicycle helmet and a motorcycle helmet for the overpowered e-bikes if they are legally registered and being ridden as a moped.

**Summary:** The Government's reputation will be impacted by failure to address this issue, especially Police, Fair Trading, Transport for NSW, Education Dept and others.

The legality of these bikes is the first order issue. The NSW Transport law is clear – the bikes are unregistered motor vehicles masquerading as bicycles.

The NSW Transport Act and the supporting regulations for both licensing and registration put it beyond doubt that the bikes that are the subject of this submission are not exempt



motor vehicles under the NSW Transport Act. They require registration, CTP insurance and a licence to ride one.

Police appear uncertain of the law and require guidance and direction. It should be a clear objective of this inquiry to address this aspect of the problem, so the law is able to be enforced.

This may account for why the Police have been passive enforcing the law to date which may seem to have little consequence when there is no event causing injury or death. The Police's inaction is encouraging more and more bikes to be ridden illegally on our roads and footpaths because of the lack of any consequences for this illegal behaviour.

This lack of action will have dire consequences for the riders of these bikes when increasingly they have accidents that injure pedestrians and pillion passengers. The dire consequences of this inaction will be that Police will be forced to apply the law in these circumstances of injury or death. This will result in fines for the rider and a criminal offence for the riding of an unregistered, uninsured bike and possibly even charge for being unlicensed. In addition, the rider will have no insurance to cover the cost of an injury claim that will, in all inevitability, be made against the rider.

I am not sure that the Police realise what they are setting riders up for by their passive approach to date on enforcement. Police enforcement of the Law would mitigate this risk. The Police are not doing the community any favours by their passive approach to enforcing the Law.

### 3. The SOLUTION

I have provided a number of solutions that could be implemented to help address the communities' concerns. They are as follows:-

- Education on how to ride these bikes safely, which is constantly put forward by the council and the local police, is not the answer. The only education required is to inform the community that the bikes are illegal, unregistered motorbikes and to explain the consequences that a rider could face. It would not be appropriate to educate someone how to ride safely an unregistered vehicle on public spaces. The educators would be complicit in encouraging an illegal act.
- Transport for NSW should make its advice (as seen in Appendix 1) widely available but especially to the relevant enforcement agencies, for example, the police, the Department of Fair Trading etc. Furthermore, it must be ensured that these agencies fully understand that according to TfNSW, these overpowered bikes are not exempt from the requirement to be registered, have CTP Insurance and can only be ridden by a licensed rider - and are illegal if not. The Police should be informed of the risk they are putting the riders of these bikes at by their inaction towards enforcing the law.
- Transport for NSW update the e-bike website ([CLICK here to read](#)) to clearly state that e-bikes with motors that have a continuous rated power that is greater than the legal 500-watts are not legal, even if the motor was restricted to 500-watts or less by software, switches or other means (as stated in the TfNSW appendix 1). The website must explain that overpowered e-bikes would be required to be registered, have CTP insurance and can only be ridden by a licensed rider.
- Discuss with the State Insurance Regulatory Authority (SIRA) the very real exposure that these unregistered and uninsured bikes pose to its CTP Nominal Defendant Scheme. In addition, the financial and legal ramifications for riders of these bikes if they were to injure a pedestrian or pillion passenger by being uninsured.
- Request that TfNSW run a media campaign through appropriate media channels making it clear to consumers, retailers and distributors, the illegality of overpowered e-bikes including that they are unregistered, uninsured motor vehicles that require a licence to ride them on public roads. The campaign should detail the consequences that could befall a rider for breaking the law particularly if they injure a pedestrian, pillion passenger or other individual.

- The media campaign should advise prospective new purchasers of an e-bike to ask for proof from the retailer that has been obtained from the relevant authority that the e-bike is street/road legal (i.e. not just the distributors own interpretation of the law that they have posted on their own website).
- The Department of Fair Trading must warn distributors who are misrepresenting these bikes as road legal to cease this immediately. Further, the distributors should be made to make all their existing customers aware of this. By omission of this fact the retailers and distributors are creating false impression about the legality of the bikes.
- Prepare a fact sheet (an example attached as Appendix 2) that differentiates an exempt (legal) e-bike from one that is NOT exempt (therefore illegal). Essentially this should explain why overpowered e-bikes under the law in NSW are Mopeds requiring, registration, CTP insurance and licence to ride one.
- Ensure the Department of Education is instructed to check that any e-bike that comes onto school grounds must have proof that the bike is legal.

**While the law remains as it is – that overpowered e-bikes are illegal, unregistered motorbikes - the only proper and appropriate solution is to enforce the Law.**

## 4. CONCLUSION

The community concern about these fast, heavy out of control E-Bikes is caused by the significant number of these bikes riding dangerously at speed on footpaths, shared cycle paths and other public spaces such as local malls and coastal walks.

The concern about safety is why so many in the community are asking for tougher laws and better safe riding education for those, especially the young riders who are riding these bikes. Very few in the community and I believe also the Police do not appreciate that the Law does not need to be changed to manage this effectively. The Law just needs to be enforced.

The NSW Road Transport Act 2013 and the two supporting Regulations for both Registration (Road Transport (Vehicle Registration) Regulation 2017 and Licensing (Road Transport (Driver Licensing) Regulation 2017) are very clear that “e-bikes” causing all the anxiety and concern in the community are **ILLEGAL**. These bikes are in fact unregistered motor vehicles and are NOT bicycles.

If the Law, as the NSW Road Traffic Act prescribes, is enforced these overpowered “e-bikes” will no longer be able to be ridden, even if registered, on footpaths, shared cycle paths and other public spaces. They will also only be able to be ridden on public roads if registered, insured and ridden by a licensed rider who must be 17 years of age or older. Therefore, the community concern about safety on footpaths, shared cycle paths and public spaces will be addressed if the Law, as it stands, is ENFORCED.

### These Bikes are NOT Bicycles

They are E-Motorcycles masquerading as Bicycles

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## Attachments on Following Pages

**Appendix 1 – Transport for NSW Advice**

**Appendix 2 – Exempt and Non Exempt E-Bike Fact Sheet**

**Appendix 3 – Illegal E-Bike News Articles and Example Images**



**Ref: 02073795 - Reply from Transport for NSW (TfNSW)**  
**[ref:!00D280HSVA.!500RE08V8eL:ref ]**

Dear

Thank you for your further enquiry regarding E-bikes.

E-bikes must meet specific requirements to be ridden as pedal cycles on NSW roads and road-related areas. The two types of e-bikes permitted are power-assisted pedal cycles, primarily propelled through pedalling with an auxiliary motor capable of generating no more than 200 watts, and electrically power-assisted cycles with a maximum continuous rated power of 500 watts that cuts off when a speed of 25 km/h is reached or if the cyclist is not pedalling and the travel speed exceeds 6 km/h. The term continuous rated power is defined within Australian Standard 15194:2016 and is measured according to EN 60034-1. It is the opinion of this office that the continuous rated power is a specification of the motor itself, and hence an E-bike that uses a motor with higher power rating even if it is limited by software, switch, or other means, would not meet this definition. For more information on compliant e-bikes visit: [E-bikes | Transport for NSW](#).

E-bikes that comply with the above mentioned definition are considered bicycles, and the same road rules apply as they would to the rider of a non-electric bicycle. For example, keeping left and giving way to pedestrians on a shared path, not carrying more passengers than the bike is designed for, wearing an approved helmet and not riding on footpaths if 16-years and over and not accompanying a child who is riding. For more information on rules for bike riders visit: [www.transport.nsw.gov.au/roadsafety/bicycle-riders/road-rules-for-bicycle-riders](http://www.transport.nsw.gov.au/roadsafety/bicycle-riders/road-rules-for-bicycle-riders). Bicycles are also exempt from registration and CTP insurance, and their riders do not need to be licenced.

Powered bikes that don't comply with the above definitions are considered to be a motor vehicle under the *Road Transport Act 2013* and fines apply for riding these devices illegally on NSW roads. These vehicles are required to be registered, insured, and their riders appropriately licenced while be ridden on NSW roads and road-related areas. Devices that do not meet these specifications can still be used on private property without complying with the provisions of the *Road Transport Act 2013* or NSW Road Rules.

Transport for NSW (Transport) understands your ongoing interest in this issue, and notes that the information provided is consistent with a number of previous responses. Transport is not in a position to provide legal advice or any further technical clarification on the same or related questions. There is no current proposal to substantially change the requirements. If there is any change to NSW legislation and/or technical requirements of e-bikes in the future, this will be clearly communicated on the Transport website and to interested stakeholders.

Transport hopes this information assists you with your enquiry.

Regards

Sharon

Transport for NSW

**OFFICIAL**

# NSW E-Bikes – Exempt & Non-Exempt

## Exempt E-Bikes

To be classed as an e-bicycle and therefore to be exempt from registration and requiring a licence to ride one, the e-bike must be either of the following.

### Electrically power-assisted cycles

An electrically power-assisted cycle has a maximum continued rated power of up to 500 watts. This power output must be:

- progressively reduced as the bicycle's speed increases beyond 6km/h
- cut off when:
  - the bicycle reaches a speed of 25km/h.
  - you stop pedalling and the speed exceeds 6km/h.

or

### Power-assisted pedal cycles

A power-assisted pedal cycle:

- has one or more motors attached with a combined maximum power output of up to 200 watts.
- can't be propelled only by the motor/s
- weighs less than 50kg (including batteries)
- has a height-adjustable seat.

If the e-bike does not comply with the above, then it is classed as a small motorcycle (Moped) and the Law and Regulations say clearly and without ambiguity the e-bike must be registered and require a licence to ride it. If the e-bike has a motor greater than 4,000-Watts it would be classed as standard motorcycle. Transport for NSW states that restricting a more powerful motor to 500-Watts or less does not make the bike exempt (see advice below).

***The NSW Transport Regulations (Road Transport (Vehicle Registration) Regulation 2017 and Road Transport (Driver Licensing) Regulation 2017) make this clear and it is unambiguous.***

## Non-Exempt E-Bikes (e.g. Overpowered E-Bikes)

Overpowered E-bikes (>500W) **DO NOT** comply with the requirements to be an exempt motor vehicle. These E-bikes fit into the vehicle classification of a small motorcycle (Moped) . They have one or all of the following attributes which precludes them from being an exempt motor vehicle and therefor requires both registration and a licence to ride one:

- The motors continuous power is greater than 500-Watts. The vast majority of these bikes have continuous rated power of either 750 or 1,000-Watts. Restricting the motor to 500-watts or less by software, switches or other means does **NOT** make these bikes exempt (*see Transport for NSW advice above*).
- The maximum pedal assist by the motor does not cut out at 25 k/h allowing pedal assistance by the motor to much higher speeds.
- Allows propulsion by a throttle (not pedalling) up to 50 km/h well above the legal 6km/h.

Overpowered e-bikes fit within the classification of a Moped (see classification below). If the motor is greater than 4,000-Watts they would be classified as a standard motorcycle. They most certainly are **NOT** bicycles by definition.

NOTE - E-bikes that have maximum continuous power greater than 500w and are restricted, electronically, mechanically or otherwise to 500w or less are not considered road legal in NSW.

## NSW Moped Law ([CLICK HERE](#) for Transport for NSW E-Bike and Moped Law)

A moped is a small motorcycle that:

- has an internal combustion engine with a capacity not exceeding 50ml, or an alternative power source e.g. electric motor.
- has a maximum speed of 50km/h
- may be either two-wheeled or three-wheeled.
- may be pedal assisted.

These vehicles (Mopeds) are legal on NSW roads as long as they're:

- entered on the Register of Approved Vehicles (RAV), or for an older model, fitted with an identification plate (commonly referred to as a compliance plate),
- compliant with the applicable vehicle standards
- registered
- ridden by a licensed rider.

## Insurance Liability

E-bikes not classed as exempt motor vehicles require registration and therefore CTP insurance. These bikes are currently being ridden without registration and insurance. In the event of a crash that injures a pedestrian, a pillion passenger, or the driver/rider of another vehicle the CTP Nominal Defendant would be called on to meet any personal injury claims for third parties. This will be costly for the Government because it collects no premium and often the Nominal Defendant is unable to recover from the party at fault.

Where the rider is identified, the Nominal Defendant will seek to recover any cost it has paid. As the bike is illegal any liability insurance a rider may have (e.g. public liability on home contents or insurance provided by Bicycle NSW) will be voided. Without insurance the rider (or for a young rider's parents) could lose their house and /or any other assets they may have.

The Nominal Defendant will join any party to the proceedings that they believe have contributed to the liability claim. These other parties could include the retailer and distributor (if they are misrepresenting the bike as street legal and road worthy). Councils could also be joined to proceedings for not supervising the illegal riding of these bikes in Malls, Council property and on shared bike paths etc.

If the bikes were to be registered, the CTP insurance that is required, would in addition to the third-party personal injury cover, provide 12 months' medical and hospital cover for an at fault rider.

## Consumer Rights

The ACCC, Dept of Fair Trading and the Dept of Infrastructure all have current open investigations into the importation and sale of these bikes. They believe they are falsely being imported as bicycles when even the Dept of Infrastructure's own definition they are classed as Mopeds (small motorcycles). Both the ACCC and Dept of Fair Trading are investigating the misrepresentation of these bikes as legal bicycles. The remedy if this is proven is the forced recall of the bikes and the customer being given a full refund (there are numerous precedents for this).

## Conclusion

Overpowered E-bikes including Fat Bikes are **NOT** Bicycles, they **ARE** Small Motorcycles (Mopeds) and are **NOT** exempt from Registration and Licensing.



## Appendix 3 - Illegal E-Bike Examples & Articles



**All the bikes above are examples of overpowered e-bikes with unrestricted throttles**

## Appendix 3 - Illegal E-Bike Examples & Articles



NO LICENSE OR REGISTRATION REQUIRED

### ADHERES TO BICYCLE LAWS

All European spec Super73's (sold in Europe and Australia) are natively classified as bicycles, meaning there's no need for a special license to ride them and they don't need to be registered as road vehicles. Just make sure to keep it in road-legal mode when you're riding in public.



### POWERFUL HUB MOTOR 250W | 2000W

Restricted to 250W by default. Peak outputs of 2000W achieved in Unlimited Mode.

Up to 25km/h in road legal mode.

Up to 50km/h+ when using the throttle on private property.

The distributors of this bike, as are many others, falsely claiming that when the bike is restricted to 250 watts it is road legal as a bicycle. TfNSW advice (see appendix 1) clearly states that it is the continuous rated power of the bike that determines a bike's legality not what it has been restricted to by software, switches or other means and therefore this bike would be illegal on NSW roads and would need to be registered and need a licence to ride it.

**NEWS**

# Crucial ruling on e-bikes legality

BY MURRAY TREMBATH

TRANSPORT for NSW advice indicates many e-bikes may be being ridden illegally under NSW road rules.

The authority advised e-bikes equipped with a power rating above 500 watts, "even if limited by software, switch, or other means", do not meet requirements to be ridden as pedal cycles on paths and roads.

The advice was given in writing to a Cronulla resident, who is concerned about the risk to pedestrians and injury compensation ramifications, and was confirmed by a TfNSW spokesperson in a statement to the *Leader*.

However, the transport authority won't rule on specific e-bike models, and says enforcement is the responsibility of police.

"E-bikes must meet specific requirements to be ridden as pedal cycles on NSW roads and road-related areas," TfNSW advised.



E-bikes on the Esplanade at Cronulla. Picture by John Veage

"The two types of e-bikes permitted are power-assisted pedal cycles, primarily propelled through pedalling with an auxiliary motor capable of generating no more than 200 watts, and electrically power-assisted cycles with a maximum continuous rated power of 500 watts that cuts off when a speed of 25

km/h is reached or if the cyclist is not pedalling and the travel speed exceeds 6 km/h.

"The term continuous rated power is defined within Australian Standard 15194:2016 and is measured according to EN 60034-1.

"It is the opinion of this office that the continuous rated power is a specifica-

tion of the motor itself, and hence an e-bike that uses a motor with higher power rating even if it is limited by software, switch, or other means, would not meet this definition.

"E-bikes that comply with the definition are considered bicycles, and the same road rules apply."



Students riding home from Cronulla High School. Picture from supplied video

# Ministers urged to act as e-bike travel grows

BY MURRAY TREMBATH

MARK Speakman has urged three state government ministers to tighten up regulations governing the riding and sale of e-bikes.

Many young people in Sutherland Shire, particularly in the Cronulla area, are riding e-bikes to and from school and shopping centres, as well as for recreation.

An e-bike rider was even seen weaving around shoppers inside Bay Central shopping centre on Saturday. His mates dismounted.

The MP for Cronulla and state Opposition Leader said

there had been an "escalation in the number of people riding illegal e-bikes, particularly children as young as 10-12, who frequently ride without a helmet and often carrying one or more pillion passengers".

He said Transport for NSW had informed a constituent that, to be classified as a bicycle in NSW, an electrically power-assisted bicycle must have a maximum continuous rated power of 500 watts, if the power output (1) progressively reduces as the bicycle's speed increases above 6km/h, and (2) is cut off when the bicycle reaches

a speed of 25km/h or the rider of the bicycle stops pedalling and the speed is more than 6km/h.

"TfNSW is of the opinion that the continuous rated power is a specification of the motor itself, and therefore it would not be legal to use an e-bike on NSW roads that uses a motor with higher power rating even if it is limited by software, switch, or other means."

Mr Speakman asked Roads Minister John Graham whether, given this advice, e-bikes with motor sizes of more than 500 watts are illegal?

"I'm told that some leading brands are designed and manufactured with features to easily override the speed limiter, which seems to make these bikes illegal to ride in public places," he said.

"I've asked the minister to consider having definitive regulations, which would allow police to inspect e-bikes for compliance, and support them in taking enforcement action.

"I have also asked he consider whether e-bikes with a power rating of more than 500 watts should be classified as a motor vehicle, which would necessitate riders to

be licensed and the bikes to be registered."

Mr Speakman also wrote to Fair Trading Minister Anouack after being told some leading brands are marketed with a speed of 25km/h, but this can be easily overridden to achieve speeds up to 55km/h.

"I've asked the minister to consider how retailers are able to promote and sell e-bikes that appear to be considered illegal for use in public places," he said.

Education Minister Prue Car has been asked to consider having schools inform students of regulations.

**LEADER READERS HAVE THEIR SAY**



**Expect more e-bike accidents**

**R**E "Fat Bike" injury to 3-year old (Leader, April 10), unfortunately we can expect many more injuries to innocent pedestrians in Miranda as children of all ages race their bikes, scooters and skateboards down Wandella Road (both road and footpath) to the new skateboard park. Parents, please warn your children - this is serious!

**Barry Turner, Miranda**  
**MORE E-BIKES**  
 I refer to the *Leader's* article (which is excellent by the way) on the young boy who was hit by the "Fat Bike" on Gannons Road and, in particular, the comment by Councillor Farmer that this type of bike is in

fact a motorbike, requiring registration and a licence to ride.

Transport for NSW confirms this is true. Both the Transport Regulations for Registration and Licensing (Road Transport (Vehicle Registration) Regulation 2017 and the Road Transport (Driver Licensing) Regulation 2017) make it clear that only the following e-bikes are exempt for Registration and Licensing:

The registration and licensing provisions do not apply to a registrable vehicle that is - Electrically power-assisted bicycle that has a maximum continued rated power of 500 watts, if the power output - (i) progressively reduces as the bicycle's speed increases

above 6 kilometres per hour, and (ii) is cut off when - (A) the bicycle reaches a speed of 25 kilometres per hour, or (B) the rider of the bicycle stops pedalling and the speed is more than 6 kilometres per hour.

Therefore, as the bike that was pictured has a 1000-watt motor (ie greater than 500-watts) and a throttle, it would not be exempt from registration and licensing requirements. They are required to be registered and ridden by a licensed rider regardless of whether the motor is restricted by software, switches or other means. It must also have CTP insurance. These bikes are motorbikes, they are not bicycles.

**Greg McCarthy, Cronulla**

The three year old child in the image/article above and below was hit by a Fat Bike whilst out walking on the footpath with his mother who was pushing his baby sister in a pram and with his older brother. His leg was completely broken when he was hit by a young boy riding on the footpath. We can expect many more of these incidents as the number of these illegal e-bikes grows and are ridden where without insurance where they should not be. The family of the small boy have had to foot all the medical bills themselves as this bike is not insured. As the bike is not legally an exempt bicycle any liability insurance a rider would have through a home contents insurance policy, bicycle NSW insurance cover, etc, would not provide cover as the bike is classed as a motor vehicle.

THURSDAY, APRIL 4, 2024 THE SYDNEY MORNING HERALD

**Child hit by illegal 'fat bike' lucky to be alive**

**Anthony Segardt**

A regular afternoon stroll down a suburban Sydney street turned into a nightmare for Clara Ferrer-Paxtot and her three-year-old boy when a teenager hurtling down the footpath on a so-called "fat bike" struck the child, leaving him screaming in pain with a broken leg.

Fat bikes, characterised by their hefty wheels and handlebar throttles that can be powered without pedalling, weighing up to 50 kilograms, have attracted increasing attention after northern beaches and Sutherland Shire residents reported safety concerns about them.

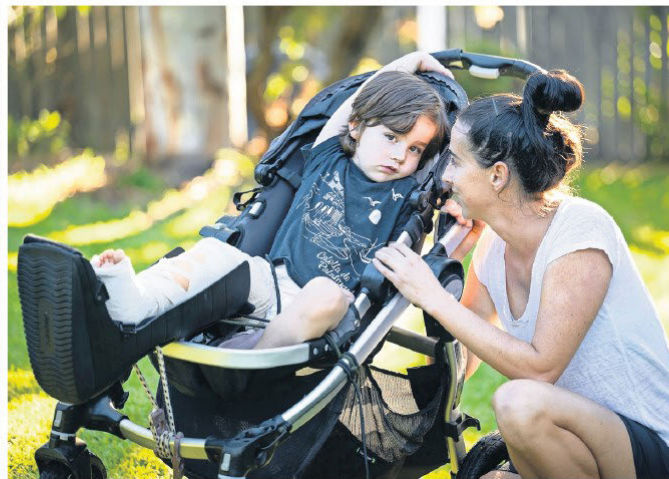
Ferrer-Paxtot and her children, including three-year-old Biel, were walking along Gannons Road, in Caringbah South, late last Tuesday afternoon when she stopped on the footpath to put an item in the pram. That was when the bike appeared.

"We ... stopped for a second to put something in the pram, only to see the bike flying down the street," she said.

She told Biel to freeze, but he panicked and ran across the footpath to his mother. The rider, who was estimated to be travelling at 20-25km/h, attempted to weave his way between the family, but struck Biel and dragged him "about a metre" along the footpath on the front of the bike, she said.

"He didn't run over [Biel's] head, but I was worried because the wheel was close ... He had scratches on his knees, and then a broken leg."

The rider, who Ferrer-Paxtot said was about 14 or 15, was crying and in shock, repeatedly apologising, she said.



Clara Ferrer-Paxtot and Biel, whose leg was broken when the bike hit and dragged him. Photo: Wolter Peeters

"Those bikes aren't safe. Just slow down, this is a footpath. The footpath is for walking."

Police are investigating and asked anyone with dashcam footage to contact them.

In NSW, bikes with throttles can be used in public if the throttles cut out at 6km/h. The rules don't apply in private spaces. But they can reach speeds of up to 50km/h without the rider pedalling.

A Transport for NSW spokesperson said: "E-bikes that can travel at high speeds, propelled by a motor without the rider having to pedal, are not

compliant e-bikes and cannot be used on NSW roads or paths.

"NSW Police are responsible for the enforcement of road transport offences for non-compliant e-bikes, and have the power to seize any unregistered vehicle, including an illegal, high-powered e-bike."

Leanne Farmer, an independent councillor at Sutherland Shire Council, said she had seen numerous reports of people riding fat bikes through the local shopping strip, the Cronulla mall.

"The businesses down in the mall are very upset because their customers are nearly being wiped

out," she said. "I was nearly wiped out in the mall myself. I went to police, but they're still trying to find the guy."

Having spent much of the year campaigning against the bikes, including by moving a motion at the council for police to enforce e-bike laws on the streets of Cronulla, Farmer is quick to add that she is not against regular e-bikes.

"I don't want this to impact on children having the freedom to ride normal legal e-bikes."

But she warned, if action is not taken, "The next thing ... is we'll have someone killed."

# Fat bike death 'matter of time'

Anthony Segært

The mayor of the Northern Beaches has said it is "only a matter of time" before someone is killed on a "fat bike" ridden with modified throttles, as her council launches a campaign to crack down on dangerous riding.

Pleading for the NSW and federal governments to take more action, Sue Heins said fat bikes - e-bikes with large wheels that are designed for "extreme terrain" - are "so similar to a small motorbike that you just can't tell any more" what vehicle can be ridden on pavements.

The bikes have inundated Sydney's beachside suburbs in recent years. NSW road rules enforce a 25km/h cap, but many bikes are modified for greater speed by users removing a cap on the throttle.

"The problem is, near-misses aren't really [reported]," Heins said. "What we really try and avoid here is death and injury, because we're very aware that it's only a matter of time."

The Northern Beaches, along with Cronulla in the city's south, has been particularly affected by the trend. Its council received



Northern Beaches mayor Sue Heins, with students from Stella Maris College, has launched a new e-bike safety campaign.

80 reports of near-misses and other related issues in the past 12 months. NSW Police recorded 244 offences between Manly and Palm Beach in the year to March.

NSW Police can seize e-bikes that do not comply with state rules but Inspector Stuart Forbes from Northern Sydney Sector Highway Patrol said enforcement was challenging because many riders were below the "licensable age" of 16. "The young-

ones, a lot of them have been cautioned; they've been spoken to, and some of the parents we've engaged," he said. "Parents are buying the bikes for the younger audience, [but] they become problematic when they're exceeding the speed limit.

"They're going too fast and putting themselves at risk.

"They're not wearing a helmet. If they come off at high speed, they will seriously injure themselves."

Bicycle NSW chief executive Peter McLean said e-bikes that did not meet Australian safety standards (and whose speed caps could be removed easily) were being imported with little to no oversight.

"There is a loophole with how you import," McLean said. "Anyone here could get an import assignment, which is a voluntary declaration, and illegally import bikes which are poor quality and unsafe. And that declaration should be monitored. It should not be self-declared."

Northern Beaches Council launched a campaign yesterday to "know the e-bike code", encouraging riders to slow down to walking pace when on a shared path, to ring the bell when approaching someone, and to be ready for sudden changes.

The council is also working with local schools to educate students on the rules. At Stella Maris College in Manly, students riding e-bikes to school must first prove their bike is capped at the legal limit, they must show they have read the road rules and they must have passed the learner's practice driving test.

THE SYDNEY MORNING HERALD

# Complaints surge as electric 'fat bikes' rule roads

Jessica McSweeney

Three young people crammed on one bike, kids not wearing helmets, riders reaching speeds surpassing cars on the roads and elderly people too scared to walk on footpaths - this is what some locals say is the reality as an explosion of e-bike riders take over Sydney's beachside suburbs.

E-bikes are legal to ride in public. However, the bikes must adhere to a set of regulations, like a cap on speed and power - but at Manly Beach and Cronulla Mall, complaints have flooded in about young people flouting the rules on powered-up "fat bikes".

For e-bikes to be legally allowed on roads and footpaths in NSW (for children under 16), they must be mostly pedal-powered, no more powerful than 500 watts, and cut off when the bike reaches speeds of 25 kilometres per hour. However, "fat bikes", which are more powerful and which can reach higher speeds, with handlebar throttles and thick tyres - are easy to buy and have become common in beachside suburbs.

The bikes were designed for use in deserts and sandy beaches. They have been popular in California. A fat bike in Sydney will cost from \$2500 to almost \$6000.

Northern beaches councillor and ex-police officer David Walton said these illegal e-bikes were making Manly Beach sometimes dangerous for pedestrians who have to dodge speeding bikes.

"Some e-bikes are quite large, and if some young people are doubling or tripling, the bikes are turning into 150 to 200 kilograms moving at high speeds. If they hit a pedestrian, it's likely to result in injuries to pedestrians, possibly deaths," Walton said.

Walton supports the use of e-bikes but wants to see a strict crackdown to stop riders from making places like Manly Corso and the Manly Beach walk too dangerous for pedestrians. He wants council rangers to be granted extra powers to stop and seize bikes they suspect to be illegally modified or not compliant.

"Rangers and police need the power



to examine bikes to see if they have been unlawfully modified, that is, [whether] pedal assistance and speed limiting has been removed. If these things are taken away, they are essentially an unregistered motorbike."

He's not alone. Fellow ex-police officer and northern beaches local Pat Daley embraces e-bikes as a way for locals to get around hilly Manly with a bit of extra help, but he says the amount of dangerous and illegal riders around town is unlike anything he has

**Reports have flooded in of young people flouting the rules on e-bikes in pedestrian-heavy zones such as Manly Beach.**  
Photos: Edwina Pickles

seen in his policing career. "The elderly are being forced off the footpaths and these kids are going to make dreadful drivers when they get their driver's licences," he said.

In one incident last year, a woman walking down a suburban road in the northern beaches was injured when an e-bike rider smashed into her from behind. CCTV captured the moment she was collected by the bike rider who took off, not even stopping to check if she was OK. The illegal bikes aren't smuggled into the country or sold on the black-market. Anyone of any age can walk into a bike shop and buy one freely. The bikes themselves are legal to ride on private property. The restrictions on speed and wattage apply only when they are in public spaces.

Many stores in Australia selling e-bikes, including fat bikes, incorrectly claim that locks that limit higher-powered bikes from reaching more than the legal limits of speed and power make the bikes legal for use in public.

A Transport for NSW spokesman said that even if a bike had an optional lock on its power and speed, just the fact that it was capable of higher wat-



tage or speed made it illegal to ride in public.

Northern Beaches Council launched a safety audit from July after 82 resident complaints about e-bikes and e-scooters in just six weeks.

"Last year, council collaborated with the Northern Beaches Police Area Command to audit e-bikes and scooters on local paths. This audit has confirmed several safety issues, including speed, lack of helmet usage, and limited knowledge of NSW road rules among young riders," Northern Beaches Council Mayor Sue Heins said.

"We would also urge the federal government to monitor and control the importation of non-compliant bikes, as well as introduce a simple way to identify both legal and illegal types through a compliance plate or similar."

Cronulla Mall has been a hotspot for teens riding fast e-bikes, defying a ban on the strip.

Sutherland council has received 60 complaints in the past 12 months.

A spokesman said signs had been put up in problem areas to alert riders to restrictions, and education sessions had been conducted at schools to teach young people about their responsibilities.

"While council has limited powers to enforce road rules applying to e-bikes and e-scooters on public streets, council's public safety officers have been taking part in regular joint patrols with the NSW Police high visibility and bike patrol unit in identified problem areas such as Cronulla Mall and the Esplanade in Cronulla to target those riding e-bikes and e-scooters in a manner that poses a risk to pedestrians," a Sutherland council spokesperson said.

HERALD ADOX

## Appendix 3 - Illegal E-Bike Examples & Articles



**chrisminnsm** Original audio

**chrisminnsm** Safety first.

In an Australian first, NSW cyclists will be able to pick helmets based off a safety rating, done through rigorous and methodical testing.

You want to make sure you're protected - and while all Australian-made helmets are required to meet a minimum standard, that piece of mind is important.

This new safety rating will ensure you're picking the right helmet that'll protect you, even in the most extreme conditions.

It's a simple step, but one that'll help keep generations of cyclists safe.

17 h

**gregmccarthycycling** My time on the Motor Accident Commission Board and Road Safety Authority there is NO doubt that helmets save lives and protect from serious head injury. I'm a keen cyclist and would not ride without my helmet. Could PLEASE ask police to actively enforce the helmet law. Where I live in Cronulla almost all riders don't wear a helmet the exception is the serious road cyclists.

16 h 6 likes Reply

**hasnainvalikarimi** Absolutely

5 h Reply

**mtb\_jimmy75** So how TF did a bluey helmet from Kmart beat a fox pro frame with mips then...?

17 h 9 likes Reply

**david\_bi5hop** My mum always said you buy a \$10 helmet for a \$10 head so in other words, dont buy a cheap helmet.

17 h 1 like Reply

View hidden comments

269 likes  
17 hours ago

Add a comment... Post

**Above is an Instagram post from the NSW Premier about the importance of wearing a bicycle helmet.**





### Mum's plea after toddler hit by e-bike

Tue, 30. July 2024 12:00 AM (Published) Newcastle Herald

Web Article by Sage Swinton

A Newcastle mum whose 21-month-old daughter was hit by an e-bike at Honeysuckle has pleaded with electric bike riders to take care and slow down around playgrounds. Alyce Mahon and her husband had taken her daughter Ella to the pirate ship playground at Honeysuckle Park on Sunday morning when the horror unfolded. "My daughter was playing in the garden and I said 'come on Ella, come across,'" Ms Mahon said. "At no point was she out of our sight. She was just a couple of meters away and this bike just came out of nowhere. I didn't see it coming. I didn't hear it coming and it just hit her. "The bike and the adult man fell on top of her, so her head impacted the concrete. I just screamed." A member of the public approached the man and told him he was going too fast near a park, Ms Mahon said. She said that the rider was "very remorseful". Police confirmed yesterday they had received a report of a two-year-old being hit by an e-bike at 10.15am on Sunday. Police said the rider, a 40-year-old man, was assisting with their inquiries. "When you're a parent and you go to a park, you think 'ok what are the dangers,'" Ms Mahon said. "At that park it was the water. You don't fear walking on a footpath. "We're from New Lambton, so it's not like we're foreign to the area but I hadn't been to that park in ages and I didn't have that much awareness about these e-bikes." Ella's parents rushed her to the Heal Urgent Care clinic in Cooks Hill. "They observed her for five hours," Ms Mahon said. "The doctor said she's very lucky. "If it was lower to her eye socket or if it was the back of her head, she could be dead." The family were eventually able to go home, but Ms Mahon said Ella was still in the danger stage on Monday afternoon, and if she vomited or became lethargic they would need to call 000 straight away. "The next 48 hours is critical," Ms Mahon said. "She can't hit her head for 21 days, so she can't go to daycare which will impact us a lot. We've just got to be cautious, but she's a two-year-old. She loves running on her feet. But she's in good spirits, she's smiling. The swelling has gone down a bit but her eye has closed over and it's black and blue." Paediatrician John Boulton told the Newcastle Herald just weeks before the incident that e-scooters and e-bikes tearing around popular spots like the Bathers Way and Honeysuckle were "a catastrophe waiting to happen". "Going at any speed, really at all, as people in fact recognise when they have just stumbled and hit their head, can be absolutely catastrophic," he said at the time. "There are enough [riders] who go along very fast indeed, and dangerously, and if any elderly person or two or three-year-old child was hit by one of those, it would cause a serious head injury and probably kill the child." Ms Mahon said she barely slept the night after the crash. "It just breaks my heart," she said. "It could have been a lot worse; I have to keep telling myself that. "As a parent you think 'what if I did this differently or we could have gone to a different park', but you shouldn't fear that. "My daughter should be able to walk and pick a flower and walk back to me." The parents decided to go public in an effort to improve safety with e-bikes. "What if we didn't say anything and another kid gets hit this weekend and dies or if it was an elderly person?" Ms Mahon said. "The biggest thing is that there is actually a designated bike track on the other side of those apartments that they should be riding on."



### Push for change after toddler injured

Wed, 31. July 2024 12:00 AM (Published) Newcastle Herald

(Web Article by Madeline Link)

PAEDIATRICIAN John Boulton says 21-month-old Ella Mahon is lucky to be alive after she was hit by an e-bike at Honeysuckle on Sunday. The incident came just days after Dr Boulton predicted e-scooters and 'fat bikes' were a 'catastrophe waiting to happen'. "She's very lucky not to have been killed actually, because that sort of head injury in a child ... with her head at the height where a wheel would hit straight on, it wouldn't hit her leg it would hit her head," he said. Dr Boulton said 'fat bike' riders should be treated like motorcyclists, required to have a licence, travel on the road and display number plates. He said Honeysuckle was "basically a racetrack now" and said the speed riders were travelling at were "completely reckless". "Anybody who has seen that photograph of that poor little toddler, it's just appalling, imagine you were the mum, dad or granddad of the child," he said. "I'd be absolutely furious about it." Dr Boulton said he believed traffic calming measures should be put in place at Honeysuckle. Ella's mother, Alyce, said her daughter was recovering well after the incident, which left her with significant swelling and bruising around her eye and a large scrape on her forehead. "She's actually doing better than what I've been doing, because I have to look at her little face," Ms Mahon said. She said something needed to be done to make the area safe. "It's the grounds of Newcastle council, it's them that actually have to act to put something in place," she said. E-scooters are illegal in public areas, while electronically power-assisted bikes have a wattage limit and must cut off when the cyclist reaches 25 kilometres per hour. A City of Newcastle spokesman said the "wide paths" at Honeysuckle were designed and built by the state government in line with best practice to allow space for all users. "Narrower sections, including temporary shared paths west of Cottage Creek between Honeysuckle and Maryville, are marked to assist with managing use within a narrower path environment," he said. "Under NSW government regulations, e-bikes are legally allowed to provide electrical assistance up to 25kmh and are generally treated exactly the same as other bicycles. However, several commercially available models can achieve speeds in excess of 50kmh which cannot legally be used on public land in NSW." He said personal e-scooters remained illegal on roads, road-related areas and public places, including footpaths. "Enforcement of regulations relating to moving vehicles, including bicycles, is a matter for NSW Police." Newcastle council did not answer questions about how many complaints it had received regarding e-bikes and e-scooters or what steps it was taking to make shared paths safer. In the wake of Ella's accident, Newcastle parents have shared their fears about bikes and e-scooters. Islington resident Shannon Wappet regularly takes her 18-month-old daughter Rooney to the pirate ship playground at Honeysuckle and said there had been multiple occasions where she was startled by the speed of someone passing by. "The silence of the e-bikes and e-scooters is unsettling," she said. Ms Wappet said she would like to see signage installed near the park to indicate that it was a child's play area, along with fencing around the playground. NSW Police confirmed they had spoken with the 40-year-old man involved in Ella's incident, but no charges had been laid.