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

Name: Name suppressed

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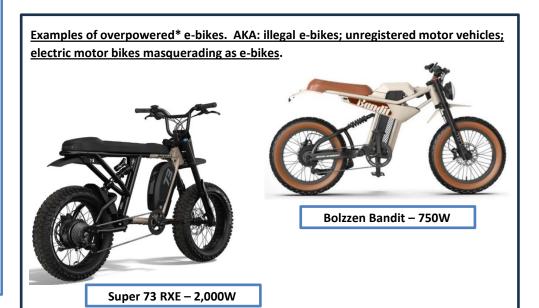
Partially Confidential

Overpowered* and Illegal E-Bikes

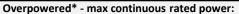
This submission explores government inaction on overpowered* and illegal e-bikes across:

Importation, Sale, and Use.

To keep this submission brief, it has been left to other submissions to document the reasons for illegality. However, in the context of this submission, "illegal" means the e-bike is overpowered* and not legal to operate in any public space.







- >500W NSW
- >250W Federal and other parts of Australia





Situation

Importation

Sale

Use

- The Federal Dept of Infrastructure "only has the power to regulate road vehicles". The Dept does not assess overpowered e-bikes as road vehicles and therefore insists it plays no role in the governance of importation of such e-bikes.
- This resultant "open slather" mode means any type of e-bike can be imported, regardless of how overpowered, unsafe, or illegal it is.
- The States are left to clean up the mess.

- Widely available on-line and in retail settings
- Sold for use by juveniles (young as 10) and others
- Sold as legal to ride in public spaces when not
- Buyers naturally expect and assume e-bikes for sale in retail shops are legal to use in public places
- Buyers typically provided with "unlock" instructions to reach throttle-only e-bike speeds of up to 50 km/h

- Increasing proliferation (1,000s sold) posing significant risk to public safety
- Many 100s of complaints to: Council, Police, Politicians. Frequent media coverage of issue.
- Rise in accidents, injuries and fatalities inevitable
- Problem not generally seen for what it is: "unsafe, high-powered, unregistered, electric motorcycles with unlicensed riders"

Dept of Infrastructure

No role in the governance of the importation of overpowered e-bikes, or any other illegal and unsafe e-mobility device.

Australian Border Force

No role - as overpowered and illegal e-bikes (and other illegal e-mobility devices) that arrive in Australia do not require any type of Import Approval.

Transport for NSW

Pro-actively and effectively communicate to, and educate, various Government departments and the public as to what a legal e-bike is. Extends to key e-bike issues: Legal Motor Size; Registration Exemption; and Legality of e-Bikes sold with capability to override legal settings for Throttle and Speed.

NSW Fair Trading

Ensure only safe and legal to use e-bikes are available for sale. Take action against retailers that advertise as legal to ride in public spaces when it is in fact illegal to do so.

Transport for NSW

Pro-actively communicate and educate

NSW Police

Enforcement of Road Transport Act – including impounding illegal overpowered e-bikes

NSW Department of Education

★ Halt storage on school premises

Dept of Infra or ACCC with NSW Fair Trading

Ministerial recall due to risk of injury and noncompliance with relevant standards.

No role re overpowered e-bikes. Savings say \$10m p.a

<u>Cost to States and Territories of Dealing with Issue:</u> enforcement, addressing issue across many departments at State and Council Level – say total of \$100m p.a (excluding risk of likely CTP Nominal Defendant Claims)

Plus Financial and Reputational Damage to Legitimate Bicycle Industry

Overpowered* - max continuous rated power:

>500W NSW

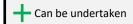
Financials: current situation

• >250W Federal and other parts of Australia



Perplexing





1. NSW Government departments to act on issue within existing legislation and department functions

The overpowered and illegal e-bikes plaguing the streets of many communities in NSW can be dealt with quickly and more than adequately under existing legislation and within existing department functions.

As set out in the previous slide, the problem is that various NSW Government departments are not addressing the matter. In particular, NSW Police seem to be ignoring the issue, and as a consequence, there will be an inevitable rise in accidents, injuries, and even deaths.

The various NSW Government departments shown on the previous slide should be instructed by their respective Ministers to take immediate and concerted action to address the overpowered and illegal e-bike issue, and performance KPIs should be put in place to track progress towards resolving the issue.

2. Federal Government to implement import governance over e-mobility devices

The Federal Dept of Infrastructure's position is that it "only has the power to regulate road vehicles", and it does not view overpowered e-bikes as road vehicles. As set out in Appendix A, it is not clear why overpowered e-bikes are not classified as road vehicles by the Dept of Infrastructure.

As a consequence, the absence of Federal governance on this matter results in a flood of illegal and unsafe e-bikes and e-mobility devices on our streets, and various State Governments are left to clean up the mess at high cost as a result.

The Federal Government should, as a high priority, implement a loop-hole-free mandatory governance process to ensure only safe and legal e-mobility devices are imported into the country.

<u>Appendix A</u> – It is not clear why the Federal Dept of Infrastructure does not recognise overpowered e-bikes as Road Vehicles, and then as one option, govern their importation under the RVSA 2018 accordingly

Road Vehicle Standards Act (RVSA) 2018

6 Meaning of road vehicle

- (1) A road vehicle means any of the following:
 - (a) a motor vehicle designed solely or principally for use in transport on public roads;

(3) For the purposes of paragraphs (1)(a) and (b), in determining whether a motor vehicle is designed solely or principally for use in transport on public roads, regard is to be had only to the physical and operational features of the motor vehicle.

Road Vehicle example – moped



Model: BENZINA Zero Duo

- RRP \$4,650
- Electric motor 1,250 watts
- Top speed 50km/h
- Defined as Road Vehicle (under the RVSA 2018) by the Dept of Infrastructure
- Requires approval from the Department of Infrastructure to import the Vehicle
- Viewed as a motor vehicle not exempt from vehicle registration or rider licensing requirements
- Headlight, brake light, tail light, handlebar mirrors, direction indicators
- Based on the physical and operational features of the above 2 examples, it is not clear why the Fatboy Harlem V2 and other overpowered e-bikes are not defined as road vehicles, with their import regulated accordingly by the Department of Infrastructure.
- If there is doubt, the Secretary may by legislative instrument determine overpowered e-bikes to be road vehicles and "step up to issue" and stop the problem at the border.
- A range of other alternatives would also be available to the Department to properly govern the importation of e-mobility devices.

Not a Road Vehicle example - overpowered e-bike



Model: Fatboy Harlem V2

- RRP \$4,090
- Electric motor 1,000 watts
- Top speed 50km/h
- Not defined as Road Vehicle (under the RVSA 2018) by the Dept of Infrastructure
- No approval required from the Department of Infrastructure to import
- Viewed as a motor vehicle not exempt from vehicle registration or rider licensing requirements
- Headlight, brake light, tail light, optional handlebar mirrors.**

Reasons Given by Dept of Infra for Not Being a Road Vehicle

- Lack of road going features (indicators, mirrors, etc) – even though present
- Pedals even though mopeds can have pedals
- Knobby tyres even though tyre tread is the same as many registerable mopeds

** Other overpowered e-bikes have direction indicators.