

Submission
No 179

**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.

Examples of overpowered* e-bikes. AKA: illegal e-bikes; unregistered motor vehicles; electric motor bikes masquerading as e-bikes.



Super 73 RXE – 2,000W

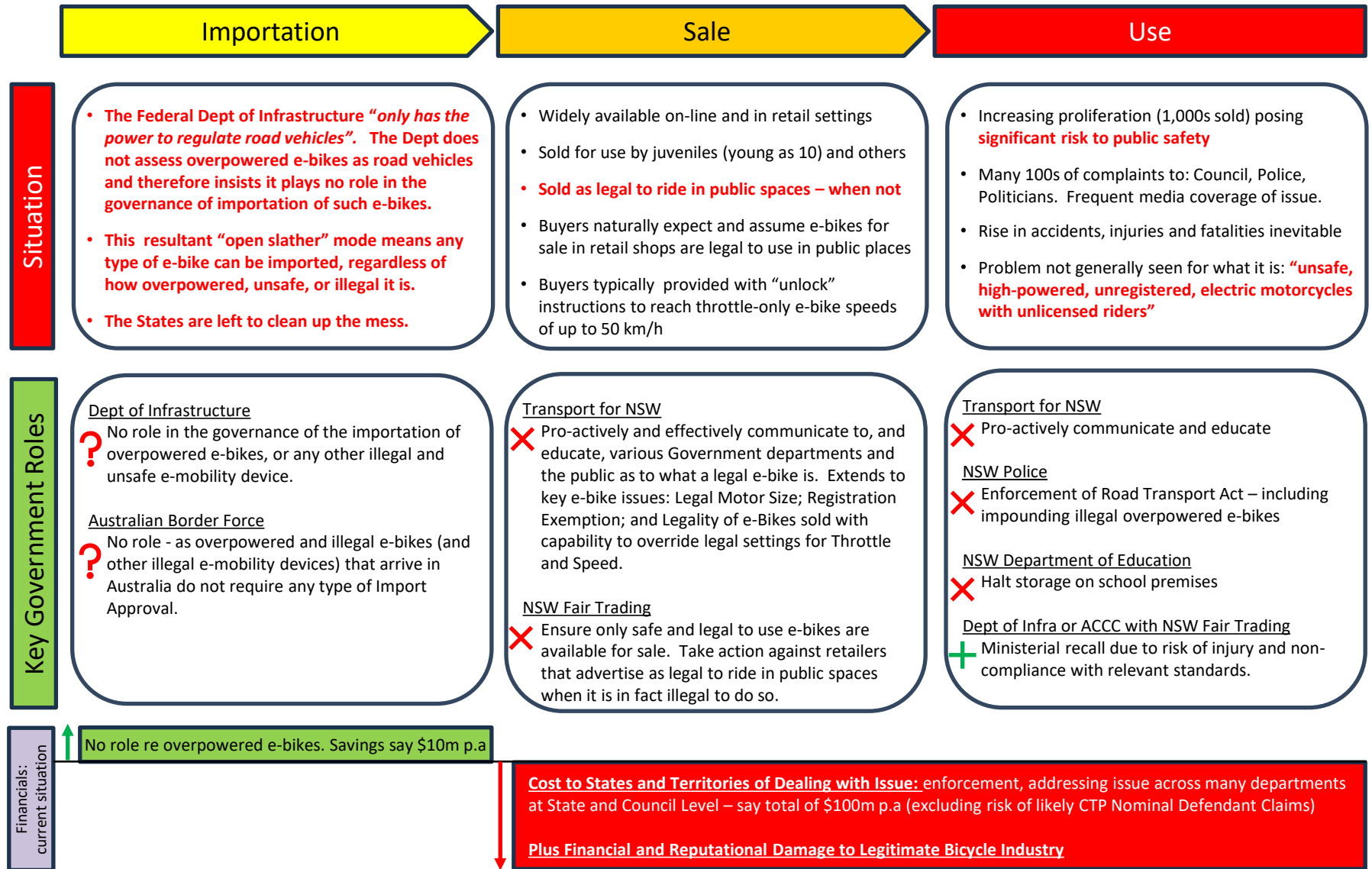


Bolzen Bandit – 750W



Overpowered* - max continuous rated power:

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



Overpowered* - max continuous rated power:

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

? Perplexing

✗ Not fulfilling role

+ Can be undertaken

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.

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

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.**

- 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.

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.