

**Submission
No 191**

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

Name: Mr Simon Kennedy MP

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SIMON KENNEDY

FEDERAL MEMBER FOR COOK



Ms Cate Faehrmann MLC
Chair, Portfolio Committee No. 6 (Transport and the Arts)
NSW Parliament
Macquarie Street
Sydney, NSW 2000

16 August 2024

Dear Ms Faehrmann,

Inquiry into the use of e-scooters, e-bikes and related mobility options

Firstly, I wish to thank you for conducting this inquiry and giving myself and the local residents of Cook the opportunity to make a submission.

While the use of e-scooters and e-bikes is not new, the huge growth in demand and use in the recent past has brought about a significant set of benefits to riders and society more generally. I welcome the increased use of bikes and some e-bikes, as it gets people outside exercising and exploring our community. However, as with all new trends, there are set of associated challenges that need to be addressed.

During the recent by-election in the Cook Electorate, concern about the use of e-bikes was a priority of many residents. I have received representations from more than 500 voters on this issue. On 28 June, I organised a local forum to discuss the challenges presented by the use of e-bikes and options to address those challenges. The forum was attended by more than 50 local residents, including e-bike retailers and concerned residents.

This submission is a synthesis of all the discussions I have had with my constituents. Essentially, I believe that e-bikes can be used safely if existing rules are enforced on retailers and users of e-bikes. The submission concludes with a set of recommendations I believe the NSW Government can pursue to better enforce these rules to both support appropriate use of e-bikes in our community as well as address the challenges they present.

I would be more than happy to follow up with the Committee on any of the issues outlined in the submission. I wish the committee well in their deliberations.

With best wishes,

Submission from Simon Kennedy MP to the NSW Parliamentary Inquiry into use of e-scooters, e-bikes and related mobility options

Introduction

Cycling in Australia has been transformed with the introduction of power assisted bicycles (e-bikes). The popularity of e-bikes has grown enormously in recent years, with estimates of e-bike sales growing from 9,000 in 2017 to 200,000 in 2022. Sales of e-bikes now account of 20% of all bicycles sold, which could rise to 50% if trends in Australia mirror those in European countries. E-bikes are clearly going to be a permanent feature of our roads and cycle lanes going forward.

In my electorate, e-bikes are used by all demographic groups for a host of activities (i.e., commuting, traveling to school, exercising in the Royal National Park, etc.). One of my favourite experiences of living in Cook is witnessing residents' morning trips to the beach on their e-bikes for a spot of surfing ahead of the working day.

This growth in use of e-bikes has a large number of associated benefits:

- **Reduced healthcare costs:** More people exercising reduces pressures on health services, the value of which have been estimated at \$954 million in savings, nationally.
- **Reduced household budgets:** The average family spends ~17% of their household budget on transport costs. Cycling offers a cheaper alternative to driving and public transport, which is particularly attractive during a cost of living crisis.
- **Reduced road congestion:** It is estimated that bicycle transport journeys replaced 2.8 billion car trips last year, the equivalent of taking 207,000 cars off the road. This further enables remaining traffic to move more smoothly than would otherwise be the case.
- **Reduced emissions:** It is estimated that removal of these 207,000 cars from the road accounts for 514,096 tonnes of avoided carbon dioxide emissions each year.

There is opportunity to maximise these benefits going forward. Around 50% of trips in metropolitan areas are 5km or less. Incentivising citizens to switch to bikes or e-bikes for these trips would improve the above estimates further.

E-bikes therefore have been a great innovation for Australians, and I very much hope the future regulatory environment will ensure residents in Cook and citizens around Australia will continue to have access to e-bikes at affordable prices.

Current challenges

Despite the enormous benefits, residents in my electorate face two major challenges associated with the surge in e-bike use. These are:

1. **Some e-bikes being ridden on NSW roads are not road legal** as the technical specifications of these bikes do not confirm to the EPAC or Power Assisted Pedal Cycle definitions

2. Some riders of e-bikes are not conforming to the rules of the road and disrupting other road users

A range of factors contribute to these challenges, each with their own consequences. I discuss the major factors here:

1. Retail of e-bikes with the potential to transgress legal technical specifications

Much anecdotal evidence suggests that some e-bike retailers are selling bikes with the ability to change their power rating and power cut off settings to essentially become motorbikes (i.e., electrically powered pedal cycles with continuous rated power above 500W and power assisted pedal cycles with maximum power above 200W). There are also many e-bikes on the road that can go at speeds above 25km/h without pedalling, which is of course illegal as these are unregistered/unroadworthy motorbikes. This also suggests that riders of such vehicles are riding without insurance leaving them fully liable (or their parents if they are children) for any damage caused in accidents etc.

I welcome the forthcoming rules including anti-tampering clauses in EN15194 2027+A1:2023 to give manufacturers and retailers the responsibility to ensure that the e-bikes that they sell cannot be personally modified by owners, and recommend that the Committee does not make recommendations that would undo these rules. However, that will not solve the issue of existing illegal e-bikes on our roads.

2. Irresponsible marketing materials promulgated by social media

Some marketing material for e-bikes promotes anti-social use of e-bikes, particularly by younger riders. These marketing campaigns encourage rule breaking, and even encourage riders to film themselves breaking the rules of the road. Many residents have complained to me about riders riding at speed, riding in pedestrian only areas, riding with disregard for other road users and pedestrians. Yet more residents have complained to me about riders going the wrong way down one-way roads, riding with multiple passengers and riding on pavements – activities all encouraged through social media.

3. Lack of understanding of e-bike regulations

There is clearly a lack of understanding of e-bike rules among the general population and law enforcement personnel. This will partly be due to a difference in rules across States (i.e., NSW has different maximum continuous power rated wattages compared to other States), but also I have heard anecdotal evidence suggesting that e-bike owners believe they are allowed to change the power settings of their e-bikes because they are able to.

Furthermore, numerous residents have complained to me that the police and Council officials are unsure of rules governing e-bikes and consequently are not able to differentiate between e-bikes that are legal or not, thus preventing them from taking action.

4. Lack of capacity for enforcement of rules

The final factor I wish to highlight is the lack of capacity among the police and Council officials to enforce rules. Both the police and local Council have competing interests and must make difficult decisions around where they put their resources, however, even during periods of high e-bike use (e.g., after school) police or Council presence in areas of high e-bike use is minimal, meaning that those who are flouting e-bike rules, or the rules of the road can do so almost risk free.

Recommendations

In light of these challenges, I wish to make four recommendations for the Committee to consider.

1. Police should prioritise enforcement of existing rules

NSW Government should support the police through:

- Offering training to all police officers on what constitutes an illegal e-bike, how officers can recognise an illegal e-bike being ridden in the community (i.e., are being ridden at speed without pedalling), and briefing officers on appropriate action to take when the law is being infringed.
- Resourcing a local enforcement blitz between now and the year's end, ensuring a greater volume of police officers stationed to specifically enforce e-bike rules and riders' adherence to the rules of the road. This blitz should be backed up with a robust marketing campaign with messaging focused on e-bike rules and the proposed blitz issued across media channels.

2. Legislation should be considered to strengthen authorities' ability to respond to illegal e-bike use

There are two main areas for the NSW Government to consider:

- To reduce confusion for law enforcement agencies on what constitutes an e-bike, NSW should repeal the Road Transport Legislation Amendment (Electric skateboards and Bicycles) Regulation 2023, that introduced a difference in the technical specifications between States. This would get rid of the unique 25km/h and 500W speed and power combination (that is redundant anyway as no manufacturer of e-bikes specifically makes bikes to the NSW standard), that creates a variation between NSW and other States across importation and sales regulations along with road use regulations. Happily this aligns with industry advice, and should reduce incentives for manufacturers to build e-bikes with the capability of increasing the continuous power rate.
- NSW government should introduce e-bike registration regulations that include a duty on owners of e-bikes to demonstrate they are legal. This would aid police enforcement of e-bike rules by helping to identify the owners of non road legal e-bikes and identification of unregistered e-bikes being used on the road.

3. Public knowledge of existing rules should be promoted through awareness campaigns targeted at owners and school students

NSW Government should consider launching two discrete campaigns:

- NSW government should invest in a public awareness campaign that covers the rules around e-bikes and the risks of using illegal e-bikes on the road to improve the public's compliance. This would be particularly important for parents of teenage e-bike riders who are unaware of the insurance implications of having an accident when riding a non road legal e-bike.
- NSW's Department of Education should also introduce a compulsory cycling proficiency course into schools that would ensure all young people in the State are educated on the rules of the road, the rules governing e-bikes and how e-bikes can be ridden legally and safely around the community.

4. Government should invest in riding infrastructure that incentivises riders to abide by road rules

Finally, the NSW government should consider investing in specific cycling lanes in areas of high demand to better protect car drivers and pedestrians, and cyclists themselves. Currently in my electorate cyclists and car drivers mostly share the road, which can create hazards at peak times. Having a dedicated cycle lanes would go some way to mitigate these hazards and improve road safety for all.