

24/1/25

Dear Dr Mundy

Thank you for the opportunity to put forward this submission on behalf of the Australian bicycle industry.

I look forward to discussing the review with you.

Regards

Peter Bourke



DRAFT



## **Bicycle Industries Australia**

Bicycle Industries Australia is an independent not-for-profit incorporated membership organisation representing bicycle industry importers, manufacturers, retailers and suppliers. Affiliated with peak industry organisations around the world, BIA is leading the development of the industry in Australia.

For over 50 years the BIA has operated to support bicycle importers, manufacturers and distributors, and in 2014, incorporated the activities of the Retail Cycle Traders Association to expand its focus to include bicycle retail.

Through its leadership and expertise, the BIA has held key positions on Standards Australia committee CS-110, Auto Skills Australia, PWC Skills for Australia's IRC, AUSMASA (The mining and automotive skills alliance), along with the Australian Bicycle Council and Cycling Walking Australia New Zealand.

## Definitions

Throughout this report, I will refer to a variety of definitions of an e-bike. Please note although some of these relate to jurisdictions outside of the control of this inquiry, I have chosen to maintain all definitions to highlight the lack of clarity within each of the Government departments involved in the importation, sale and use of e-bikes – this has been caused by recent changes to the RVSA and ADR.

**Pedalec-** A vehicle meeting European Committee for Standardization EN 15194:2009 or EN 15194:2009+A1:2011 Cycles - Electrically power assisted cycles - EPAC Bicycles.”

**EPAC – (national)** – means an electrically-powered pedal cycle with a maximum continued rated power of 250 watts of which the output is:

- (a) progressively reduced as the cycle’s speed increases; and
- (b) cut off, where:
  - (i) the cycle reaches a speed of 25 km/h; or
  - (ii) the cyclist stops pedalling.

**EPAC – (NSW)** – means an electrically-powered pedal cycle with a maximum continued rated power of 500 watts of which the output is:

- (a) progressively reduced as the cycle’s speed increases; and
- (b) cut off, where:
  - (i) the cycle reaches a speed of 25 km/h; or
  - (ii) the cyclist stops pedalling.

**Power Assisted Pedal Cycle – (NSW)** - means a vehicle, designed to be propelled through a mechanism primarily using human power, that:

- (a) meets the following criteria:
  - (i) is equipped with one or more auxiliary propulsion electric motors;
  - (ii) cannot be propelled exclusively by the motor or motors;
  - (iii) has a combined maximum power output not exceeding 200 watts;
  - (iv) has a tare mass (including batteries) of less than 35 kg;
  - (v) has a height-adjustable seat; or
- (b) is an electrically power-assisted cycle;

but does not include a vehicle that has an internal combustion engine.

### **Power Assisted bicycle (state specific)**

- A bicycle with one or more auxiliary motors attached which has a combined maximum uncontrolled continuous rated power output not exceeding 200 watts.
- An electrically power-assisted cycle (EPAC). These are pedal cycles with an electric motor that has a maximum continued rated power of 250 watts. The power-assistance progressively reduces as the speed increases and cuts off once a top speed of 25 kilometres per hour is reached. EPACs require the rider to pedal to access the power.

**E-bike** – General term encompassing road legal bicycles assisted by an electrical motor in one or all jurisdictions across Australia

## Legislation

To determine the future opportunities and steps to manage LEV, the review must understand the history of the e-bike legislation in Australia.

Prior to 2012, the Australian regulations relating to power assisted cycles were loosely defined. The critical restriction in road legislation identified at that time, was that the power of the motor does not exceed 200w **maximum output**. At that time throttle only e-bikes were allowed across Australia.

The Federal Parliamentary Secretary for Transport introduced [Vehicle Standard \(Australian Design Rule - Definitions and Vehicle Categories\) 2005 Amendment 6](#) (pedalec) in May 2012.

The critical elements of this regulation are;

- Maximum assisted speed 25kmh
- Maximum of 250w **maximum continuous rated power**

\* Please note the difference between maximum and maximum continuous is significant

Throttle only power assisted cycles up to 200w continued to be allowed.

At that time, to import an e-bike, Australian Border Force required an advice notice from the Dept. of Infrastructure, Transport, Regional Development and Communications that the Ebike "had been assessed as not road motor vehicles as defined by the Motor Vehicle Standards Act 1989(the Act)." to prove that met the requirement.

In 2017, Australia imported approximately 9,000 Pedalecs and power assisted cycles (negligible numbers of road legal e-bikes are made in Australia).

The number of e-bikes imported in 2022 grew to almost 200,000 units<sup>1</sup>

In 2016 Standards Australia released the standard for a pedalec AS 15194:2016 as a modified adoption of the European standard EN15194:2009 (we are still operating from the EU 2009 standard which is now 15 years old).

With the release of the national standard, and adoption of EN15194 in each state, all Australian state and territory regulations were harmonised, creating a consistent definition of a pedalec across all jurisdictions in Australia (incorporating import, sale and use of e-bikes).

In Jan 2021, the Assistant Minister to the Deputy Prime Minister, introduced the [Motor Vehicle Standards \(Road Vehicles\) Amendment Determination \(No 1\) 2021](#) (without consultation with the industry or states), moving the definition from a Pedalec to an EPAC and modifying the definition of a Power assisted pedal cycle.

---

<sup>1</sup> The Australian Cycling and E-Scooter Economy in 2022

This changed removed reference to EN15194 and away from the largest international ebike standard across the world.

This created a new definition for the importation of e-bikes.

NSW was the only Australian state or territory that adopted the new definition without modification into road regulations, with a further modification to 500w.

Several other states have made changes since.

This has created the situation that there is a variety of definitions of ebikes across import, sale and use across Australia.

Coinciding with the federal changes, the Federal Department of Transport released the ROVER administrative portal for the management of import applications and approvals under the Road Vehicle Standards (RVS) legislation on the 1st of July 2021.

The ROVER system modified the import permit for an EPAC/Pedalec/power assisted cycle to an 'Advisory Notice' under the title of 'that thing is not a road vehicle' (although e-bikes are defined as road vehicles under the Act).

Prior to the ROVER system the importation of any shipment that included an EPAC/Pedal/Power assisted cycle required evidence of meeting international standards. Under the ROVER system guidelines, this requirement was withdrawn.

*'While you don't need permission to import vehicles that are not road vehicles, you may like to apply for an advisory notice through ROVER, the department's online application and approval portal. The advisory notice will confirm that the thing you are importing is not a road vehicle. You'll have to answer questions about the e-scooter and provide the manufacturer's specifications. The fee for an advisory notice is \$55.'*<sup>2</sup>

This process has also decreased the clarity for those charged with 'policing' the legislation.

This history has unfortunately been a demonstration of poor consultation, communication and implementation over the last 5 years – allowing any type, quality, standard and level of road legal e-bike to be imported into the country.

This has led to deaths, serious injury and significant property damage.

The industry believes that the attempts to improve the definition of an EPAC/pedalec/power assisted cycle were implemented in good faith, but we are aware that many of the actors involved in the process have not previously examined an LEV prior to making the modifications, resulting in a poorer quality outcome.

---

<sup>2</sup> <https://www.infrastructure.gov.au/department/media/news/importing-e-scooters-made-easy#:~:text=While%20you%20don't%20need,is%20not%20a%20road%20vehicle.>

## RECOMMENDATION

- Return the AB category vehicle to the Road Vehicle Standards Act.
- Return EN15194 to the definition of an Electrical Pedal Assisted Cycle – to align with international best practice.

DRAFT