

s22(1)(a)(ii)

From: RVSAPolicy
Sent: Wednesday, 5 April 2023 2:29 PM
To: s47F@cityofsydney.nsw.gov.au
Cc: RVSAPolicy; ROVERinfo
Subject: RE: Change to e-bike standards [SEC=UNOFFICIAL]

Follow Up Flag: Follow up
Flag Status: Completed

UNOFFICIAL

Good afternoon s47F

Apologies for the delay in responding.

There is no intention to reverse the definition that was implemented in January 2021.

The new definition was updated to clarify that the policy intent of the definition of 'power-assisted pedal cycles' relates to bicycles of a traditional build, albeit assisted by electric motor power, but not to take in other types of two wheeled vehicles designed with pedals that may assist propulsion.

The NSW [Vehicle Standards Information - VSI.27](#) from December 2014 provides the local guidance on how Transport for NSW have interpreted and enforced the definition of power-assisted pedal cycles.

The changes to the definition was to align with the practical implementation as outlined in the document linked above.

Regards

s22(1)

RVS Policy team

Contact us: www.infrastructure.gov.au/vehicles-contactus

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

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infrastructure.gov.au


I would like to acknowledge the traditional custodians of this land on which we meet, work and live.

I recognise and respect their continuing connection to the land, waters and communities.

I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.

UNOFFICIAL

UNOFFICIAL

From: ROVERinfo <ROVERinfo@infrastructure.gov.au>
Sent: Wednesday, 8 March 2023 10:10 AM
To: s47F@cityofsydney.nsw.gov.au
Subject: RE: Change to e-bike standards [SEC=UNOFFICIAL]

UNOFFICIAL

Hi s47F

We've forwarded your email onto our policy team for comment on issues you have raised.

Regards

s22(1)(a)
(iii)

ROVER Support Team

Contact us: www.infrastructure.gov.au/vehicles-contactus

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development, Communications and the Arts

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UNOFFICIAL

From: s47F s47F <s47F@cityofsydney.nsw.gov.au>

Sent: Tuesday, 7 March 2023 4:39 PM

To: ROVERinfo <ROVERinfo@infrastructure.gov.au>

Subject: Change to e-bike standards

Hi Roverinfo

For many years there have been two classifications of e-bikes in the road rules. The older, 200w limit e-bikes which can have throttles, and the newer, European adopted standard of the pedal assist 250w with the 25km/h assistance cut-off.

The City of Sydney Council has a fleet of e-bikes for use by staff to attend meetings and site visits, on which staff travel approximately 1,000km per month. We last replaced the fleet in early 2019 and they comply with the 200w and throttle standard.

I was shocked when one of our staff was pulled over by police alleging he was riding an illegal bike. On checking with Transport for NSW [website](#) for information about e-bikes it says (snip below) that it can be "a power-assisted bicycle fitted with a throttle or accelerator up to 200w". After a lot of digging I finally found that your department had altered the vehicle standard with Amendment 11 on 11 January 2021. It seems you have not been successful in communicating that change to customers, fleet owners, and even Transport for NSW!

It seems to me that this change must have been made in error. The purpose of keeping the 200w definition when the new 250w European standard was adopted, was to continue to allow throttle controlled bikes as there were many in use, including by people with disabilities for whom the feature was necessary. I am surprised that the Regulatory Impact Statement process didn't pick up these unintended consequences and at least give a warning of the impending change to fleet managers.

I am in the process of procuring a new fleet of e-bikes since we've had to lock up the suddenly "illegal" bikes and some staff rely on the bikes to conduct their work. But the Chief Finance Officer has asked me about the likelihood of the original vehicle standards being restored, in which case we won't need to go to the expense of replacing the fleet.

Question: will the amendment be reversed, and if so, how long will it take before that happens?

Thanks

s47F

E-Bike FAQ

What's an e-bike?

In NSW an e-bike or electric bike has an electric motor and battery that assists a bicycle rider with pedalling up to 25km/h. It can be:

- a power-assisted pedal bicycle (Pedelec) up to 250 watts that requires the rider to pedal in order to activate the electric motor; or
- a power-assisted bicycle fitted with a throttle or accelerator up to 200 watts.

Petrol-powered bicycles and bicycles that don't comply with NSW regulations are not legal to ride on NSW roads or road related areas.

s47F

Manager Cycling Strategy
City Access



Telephone: s47F
Mobile: s47F
cityofsydney.nsw.gov.au



The City of Sydney acknowledges the Gadigal of the Eora nation as the Traditional Custodians of our Local Area.

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Released under the Freedom of Information Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts



22 August 2023

Senator the Hon Don Farrell
 Minister for Trade and Tourism
 PO Box 6100
 Senate
 Parliament House
 Canberra ACT 2600
 By email: senator.farrell@aph.gov.au

Dear Minister Farrell,

Resolution from the 2023 National General Assembly (NGA) of Local Government

The 29th National General Assembly of Local Government (NGA) was held in Canberra from 14-15 June 2023, and attracted a record 1,100 local government leaders from 315 of Australia's 537 councils.

A key part of every NGA is the motions that are submitted by participating councils for debate and discussion, identifying issues that are important to the communities they represent.

Councils that attended this year's NGA considered 145 motions, which all called for some form of action from the Federal Government, such as amending existing Commonwealth policies or funding programs, or developing new policies or programs to meet emerging needs.

As the convenor of this year's NGA, and on behalf of the councils that participated, I am forwarding the resolution that is relevant to your Trade and Tourism portfolio.

Your response to this resolution before 22 November 2023 would be appreciated and will be posted on ALGA's website.

If you would like to discuss this NGA resolution in more detail, please contact ALGA's Executive Director Advocacy, ^{s47F} [REDACTED] at ^{s47F} [REDACTED] [@alga.asn.au](mailto:[REDACTED]@alga.asn.au).

Yours sincerely,

^{s47F} [REDACTED]

^{s47F} [REDACTED]

ALGA President

cc: The Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories

Attachment: 2023 National General Assembly of Local Government Resolution

Attachment: 2023 National General Assembly of Local Government Resolution for Senator the Hon Don Farrell, Minister for Trade and Tourism

Resolution 38 submitted by Brisbane City Council, QLD

The National General Assembly calls on the Australian Government to review how importation regulations are being enforced in regard to non-compliant personal mobility devices (PMDs) being imported and used in Australia.



The Hon Catherine King MP

Minister for Infrastructure, Transport, Regional Development and Local Government
Member for Ballarat

Ref: MC23-069001

s47F

President
Australian Local Government Association
8 Geils Court
DEAKIN ACT 2600

via: president@alga.asn.au

Dear s47F s47F

Thank you for your letter of 22 August 2023 to Senator the Hon Don Farrell, Minister for Trade and Tourism, regarding the resolution of the most recent National General Assembly of Local Government (NGA) that relates to import regulations for personal mobility devices (PMDs). Your letter was referred to me as this matter falls within my portfolio responsibilities. I apologise for the delay in responding.

As you may be aware, the Australian Government regulates the first provision of road vehicles through the *Road Vehicle Standards Act 2018* and related subordinate legislation, collectively referred to as the Road Vehicle Standards (RVS) legislation. The RVS legislation primarily defines road vehicles as vehicles designed solely or principally for use in transport on public roads, excluding footpaths, bicycle paths and cycle lanes.

Further, the *Road Vehicle Standards (Classes of Vehicles that are not Road Vehicles) Determination 2021* (the Determination) sets out how a PMD is defined, and confirms such vehicles are not road vehicles. As such, the Government does not regulate their design, importation or provision to the Australian market.

The definition of PMD includes several design requirements and limitations. These include a maximum speed of 25 km/h, a requirement for an effective stopping system, and limits on dimensions and mass. Devices that can travel in excess of that speed, or that fail to meet any of the other criteria, would not meet the PMD definition and would require individual assessment to decide whether or not they meet the definition of a road vehicle.

As with any other road vehicle regulated under the RVS legislation, devices assessed as meeting the road vehicle definition could not be imported into Australia or provided to the Australian market without an approval from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

My department is currently undertaking a review of the Determination and, as part of the process, is preparing to consult widely. This will include engaging with all state and territories, who are responsible for the in-service regulation of both road-going and non-road vehicles, and I am aware the management of PMDs is currently of great interest across jurisdictions. Through this process we will ensure definitions of classes of non-road vehicles, such as PMDs, are fit-for-purpose and consistent with the safety objectives of the broader RVS legislation.

When considering the importation and supply of PMDs, I am advised there are a range of complexities that are not generally present with other vehicle types, including the ease of importing them into Australia via post or with other personal effects, and the ability to increase the maximum speed of such vehicles through software enhancements. These issues will be examined further in the context of the Determination review.

Thank you for taking the time to write to the Australian Government on this matter.

Yours sincerely



Catherine King MP

16 / 11 / 2023

cc Senator the Hon Don Farrell, Minister for Trade and Tourism
The Hon Kristy McBain MP, Minister for Regional Development, Local Government and Territories



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Our Ref: 23.12.MB.GY

05 December 2023

**Hon Catherine King MP
Minister for Infrastructure, Transport, Regional Development and Local
Government
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600**

Honorable Ms. King,

RE: E-Bikes: the policy vacuum threatening the safety of all

We refer to our previous letters dated 29.09.23 and 03.11.23.

We enclose herewith letter from the Lord Mayor dated 10.11.23.

The Lord Mayor clearly grapples with these matters, she states she made a representation to the NSW Government to introduce regulation for bike share operators. This would include enabling Transport for NSW to set insurance requirements.

What right should a corporation have to profit from this public safety debacle without the Government ensuring that there is a proper scheme in place to protect people?

When will we see retrospective insurance reform?

Please urgently advise what your administration is going to do to retrospectively protect ^{s47F} [REDACTED] and others and what steps you are going to take to coordinate Local, State and Federal governments to bring an end to this unsatisfactory framework and rectify the oversights?

We look forward to your swift and complete reply.

Yours faithfully,
MARTIN BELL & CO

^{s47F} [REDACTED]



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Our Ref: 23.12.MB.GY

29 September 2023

**Hon Catherine King MP
Minister for Infrastructure, Transport, Regional Development and Local
Government
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600**

Honorable Ms. King,

RE: E-Bikes: a growing threat to Public Safety

We refer to our requests sent to multiple ministers including the NSW Premier, as attached, on behalf of §47F for long outstanding action to be taken concerning the administration of e-bike regulation, particularly in Sydney. Local, State and Federal Governments have permitted a scheme to come into place where companies like Lime are profiting and there is no protection for the public maimed by e-bikes.

We have raised concerns about the lack of adequate insurance for victims of e-bikes injuries. We now have confirmation that for many or most victims there is no insurance at all!

The reason given by Lime's insurer to decline §47F claim is extremely disturbing:

"No cover is provided for any loss resulting from an accident or occurrence caused by riding the personal mobility device in breach of any specific local restrictions or in breach of the policy holder's terms of service and or the rental agreement."

In effect, the policy that Lime has negotiated does not protect persons where the user of the e-bike:

- Does not maintain "compliance with Laws" or,



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- Engages in “Prohibited Acts” including operating the e-bike “under the influence of alcohol” or “carry[ing] any other person” on the bike.

Common sense tells us that these are the precise circumstances where accidents are likely to occur. Moreover, the policy was already defective in that it only covers loss to the extent of one million dollars: clearly, for a quadriplegic or other severely injured person, this is grossly inadequate.

Looked at objectively, it appears that Lime has negotiated the cheapest, most ineffective policy imaginable. Why has Local, State and/or Federal Governments permitted Lime and others to profit from the hire of bikes and scooters to the public for use on and about the streets, footpaths and bike paths without a contract of insurance to cover pedestrians injured in their use?

The three tiers of government have created a framework where s11C(1)(a) can be maimed by the use of these e-bikes and have no recourse to just compensation for the very significant losses sustained. You must surely recognise this is a completely unacceptable set of circumstances?

The question is: What will you and Local, State and Federal Governments do to protect the public? Presently Lime and others profit whilst the public remains unprotected. What coordinated action will you take to protect s47F and other members of the public?

This scheme should at least be under the CTP insurance arrangements. Please urgently advise what your administration is going to do to retrospectively protect s47F and others and what steps you are going to take to coordinate Local, State and Federal governments to bring an end to this unsatisfactory framework and rectify the oversights.

We look forward to your swift and complete reply.

Yours faithfully,
MARTIN BELL & CO



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Our Ref: 23.12.MB.GY

29 September 2023

**The Hon. Anthony Albanese MP
Prime Minister
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600**

Dear Prime Minister,

RE: E-Bikes: a growing threat to Public Safety

We refer to our requests sent to multiple ministers including the NSW Premier, as attached, on behalf of s47F for long outstanding action to be taken concerning the administration of e-bike regulation, particularly in Sydney. Local, State and Federal Governments have permitted a scheme to come into place where companies like Lime are profiting and there is no protection for the public maimed by e-bikes.

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In effect, the policy that Lime has negotiated does not protect persons where the user of the e-bike:

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Looked at objectively, it appears that Lime has negotiated the cheapest, most ineffective policy imaginable. Why has Local, State and/or Federal Governments permitted Lime and others to profit from the hire of bikes and scooters to the public for use on and about the streets, footpaths and bike paths without a contract of insurance to cover pedestrians injured in their use?

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We look forward to your swift and complete reply.

Yours faithfully,
MARTIN BELL & CO



Australian Government

**Department of Infrastructure,
Transport, Regional Development,
Communications and the Arts**

Ref: MC23-068622

s47F
PO Box A2514
SYDNEY SOUTH NSW 2135

via: s47F @martinbell.com

Dear s47F

Thank you for your letter of 29 September 2023 to the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government, presenting your concerns regarding the use of e-bikes. I am aware that you wrote a similar letter to the Hon Anthony Albanese MP, Prime Minister. Minister King has asked me to reply on her and the Prime Minister's behalf.

I am sorry to learn of the incident involving s47F and the difficulties s11C(4)(a) has faced since being hit by an e-bike in late February.

Through the Road Vehicle Standards Act 2018, the Australian Government has a specific role in regulating the first provision of road vehicles to the Australian market. Road vehicles are broadly defined as vehicles designed solely or primarily for use in transport on public roads.

E-bikes are not designed for use on public roads and are instead classified as a personal mobility device, which is defined in the *Road Vehicle Standards (Classes of Vehicles that are not Road Vehicles) Determination 2021*. As e-bikes are not road vehicles, the Government does not have a role in regulating their design, importation and provision to the Australian market.

Thank you for taking the time to write. I trust that this information clarifies the law-making powers for e-bikes in Australia and I wish s47F well in s11C(4)(a) recovery.

s22(1)(a)(ii)

Melissa Cashman
Assistant Secretary, Vehicle Safety Policy and Partnerships Branch
Road and Vehicle Safety Division

24 October 2023



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SOLICITORS

Our Ref: 23.12.MB.GY

03 November 2023

**Hon Catherine King MP
Minister for Infrastructure, Transport, Regional Development and Local
Government
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600**

Honorable Ms. King,

RE: Coma victim confirms threat of e-bikes

We refer to our previous letter dated 29.09.23.

Sadly, our concern that e-bikes constitute a growing public safety issue has proven true.

s47F [REDACTED], s11C(1)(a) [REDACTED] has suffered traumatic brain injury after being hit by an e-bike. s11C(1)(a) [REDACTED]

[REDACTED]
[REDACTED].

The ability for e-bikes to traverse bikeways, pedestrian pathways, roadways and tramways, coupled with pathetic or non-existent insurance coverage, is an extreme threat to public safety and wellbeing. This is evident from how this accident took place on George St, the same block where s47F [REDACTED] was injured.

What further suffering is needed before action is taken?

What we need is a coordinated approach from each level of government so that this serious risk can be addressed now. Please advise what steps you are taking now to achieve this end.

Yours faithfully,
MARTIN BELL & CO



MARTIN BELL & CO
SOLICITORS

Our Ref: 23.12.MB.GY

03 November 2023

**The Hon. Anthony Albanese MP
Prime Minister
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600**

Dear Prime Minister,

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The ability for e-bikes to traverse bikeways, pedestrian pathways, roadways and tramways, coupled with pathetic or non-existent insurance coverage, is an extreme threat to public safety and wellbeing. This is evident from how this accident took place on George St, the same block where s47F [REDACTED] was injured.

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What we need is a coordinated approach from each level of government so that this serious risk can be addressed now. Please advise what steps you are taking now to achieve this end.

Yours faithfully,
MARTIN BELL & CO

10 November 2023

Our Ref: OLM2023/006334

s47F
 By email s47F [@martinbell.com](mailto:s47F@martinbell.com)

Dear s47F,

Share electric bikes

I refer to your letters and email to the Lord Mayor about share electric bikes. The Lord Mayor has asked me to respond on her behalf.

I was very concerned to read about what happened to your clients. I hope they are making a full recovery.

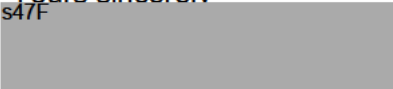
Since it is the responsibility of the NSW Government, the City of Sydney continues to work with bike share companies to promote safe and responsible operations.

In October, City staff and representatives of other local councils met with Transport for NSW (TfNSW) to request that the NSW Government introduces regulation for bike share operators. Regulation would give TfNSW enforceable powers over the share bike schemes, with conditions on how operators must manage their bikes.

Among other benefits, regulation would enable TfNSW to set insurance requirements. It could also require operators to use 'geofencing' to restrict the speed of bikes in certain areas, such as George Street.

If you would like to speak with a Council officer about regulating share bikes, you can contact s47F, Manager Cycling Strategy, on s47F or at s47F@cityofsydney.nsw.gov.au.

Yours sincerely

s47F


s47F
 Chief Executive Officer

The City of Sydney acknowledges
 the Gadigal of the Eora Nation as the
 Traditional Custodians of our local area.



MARTIN BELL & Co
SOLICITORS

Our Ref: 23.12.MB.VK

24th May 2023

**The Hon. Chris Minns
Premier of NSW
GPO Box 5341
SYDNEY NSW 2001**

Dear Premier,

RE: E-Bikes: a growing threat to Public Safety

I write to you in relation to the current framework of laws and regulations and requirements concerning e-bikes in the State of New South Wales, and in Sydney in particular.

Our client ^{s47F} [REDACTED] suffered severe injuries when a Lime e-bike was ridden into her by an individual with another individual sitting on the handlebars whilst crossing George Street near Wynyard light rail station entrance on 25 February 2023 at around 8:30pm.

^{s47F} [REDACTED] was hospitalised ^{s11C(1)(a)} [REDACTED]
[REDACTED]

We are advised as follows:

1. That a hirer policy is taken out by Lime which covers hirers to the extent of liability to \$1,000,000.00. This is obviously grossly inadequate.
2. That the complete regime that exists for other motor vehicles in the State of New South Wales does not exist for e-bikes. There appears to be no reason why these vehicles should not be governed by the same provisions as any other motor vehicle in the state, and yet Lime and other companies are allowed to profit without any adequate responsibility for the consequences of their business.



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I am extremely concerned that there seems to be a lack of consideration of the risks and dangers to the public at large is exposed to in circumstances where there are no appropriate arrangements to ensure the following:

1. That victims of these e-bikes are protected and are treated the same as any other motor vehicle accident victim in New South Wales (as imperfect as that is).
2. That the paltry arrangements whereby the victims of e-bike accidents have only cover to the extent of \$1,000,000.00 be immediately addressed and done so retrospectively by putting them under the CTP scheme.
3. That there be adequate regulation in place to ensure that the riders of the bikes are sufficiently qualified to ride before given their capacity to cause grievous bodily harm and catastrophic injury to pedestrians.
4. That in the same manner drunks and other menaces be prohibited from riding these bikes. Obviously, this cannot take place without a system set up to monitor the conduct of persons riding these e-bikes. It is absolutely absurd that e-bikes can be stationed outside hotels for drunks to climb aboard and put the health and well-being of Sydneysiders at such serious risk.
5. That no e-bikes be permitted to travel in the city until their use is regulated on a daily basis by an appropriate authority so that ordinary pedestrians are not subjected to the risk of injury that Sydneysiders have to face everyday walking through the streets of Sydney.
6. If e-bikes are to have a place, they ought to be kept to the road and regulated like any other motorised vehicle or have paths that require no interaction with pedestrians, and which are policed by law enforcement in a manner so as to ensure that the public are not put at risk. The absurdity of the current situation is completely untenable and needs to be addressed so that the public are protected from this poorly thought through arrangement.
7. There needs to be immediate access to information so that persons in the situation of ^{s47F} [REDACTED] don't have to wait months to receive records in relation to the manner in which they had been maimed by such e-bikes.



MARTIN BELL & CO
SOLICITORS

For s11C(1)(a) to be put to this unnecessary distress illustrates how unsatisfactory these circumstances are as a whole:

- The lack of insurance,
- The failure to require roadway usage of e-bikes,
- The dangerous mixing of pedestrians and motorized vehicle pathways,
- The failure to monitor and police e-bike conduct (be it by licensed requirement or dangerous usage),
- The failure to have information readily available for victims.

Urgent retrospective action is needed now. This oversight must be rectified retrospectively to protect the people of NSW from this growing threat to public safety.

We **enclose**:

1. City of Sydney Street Safety Camera Program - Application Response dated 16 March 2023
2. Letter from NSW Police Force - Internal Review Notice of Decision dated 22 May 2023
3. Letter from NRMA Liability Notice - No Coverage Under Scheme dated 3 April 2023
4. Photograph of the two men on the e-bike

We look forward to news of urgent action taken to address this growing danger to public safety.

Yours faithfully,
MARTIN BELL & CO



Office of the Hon Catherine King MP

Minister for Infrastructure, Transport, Regional Development and Local Government
Member for Ballarat

Ref: MC23-071305

s47F

Martin Bell & Co Solicitors
Suite 802, Level 8, 265 Castlereagh St
SYDNEY NSW 2000

via: s47F @martinbell.com

Dev

s47F

Thank you for your letters of 3 November 2023 and 5 December 2023 to the Prime Minister, the Hon Anthony Albanese MP, and the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government, regarding the regulation of e-bike operators. This matter falls within Minister King's portfolio responsibilities and the Minister has asked me to respond on her behalf.

The Minister is very sorry to hear of the unfortunate e-bike incidents involving s47F and s47F. Both the Minister and I wish them both well in their recovery.

I understand the Department of Infrastructure, Transport, Regional Development, Communications and the Arts responded to your previous letter of 29 September 2023 (ref: MC23-068622), so you would be aware the Australian Government is responsible for regulating the first provision of road vehicles to the Australian market through the *Road Vehicle Standards Act 2018*.

As the department's letter explained, e-bikes that meet relevant definitions in the Road Vehicle Standards (Classes of Vehicles that are not Road Vehicles) Determination 2021, are not road vehicles and the Government does not have a role in regulating their design, importation or provision to the Australian market.

The in-service regulation of vehicles — road vehicles and non-road vehicles alike, including e-bikes — is the responsibility of the states and territories. I understand the regulation and management of e-bikes and personal mobility devices is of great interest across jurisdictions at the moment.

I am aware you have previously written to the NSW Premier, the Hon Chris Minns MP, on this matter but the Minister would suggest that, should you wish, you seek further information from the NSW Government regarding the regulation of e-bikes in your state. The letter you provided from the City of Sydney shows that local councils are already working with the state government on the issue of regulating bike share operators.

With regard to government actions relating to road and pedestrian safety, the National Road Safety Strategy 2021–30 (the Strategy) articulates that, Australian governments are committed to halving Australia's road toll and reducing serious injuries on our roads by at least 30 per cent by 2030. The National Road Safety Action Plan 2023–25 (Action Plan) sets out the key actions all governments will undertake to 2025 in pursuit of the agreed priorities identified in the Strategy. One of those agreed priorities is to provide safe access for all road users, with a focus on vulnerable road users such as pedestrians. The Strategy and Action Plan are available from the department's Road Safety website at: roadsafety.gov.au/.

Thank you for bringing your concerns to the Minister's attention.

Yours sincerely,

s47F



Chief of Staff

23/1 / 2024

s22(1)(a)(ii)

From: ROVERinfo <ROVERinfo@infrastructure.gov.au>
Sent: Wednesday, 10 April 2024 12:28 PM
To: S47F @bikeoz.com.au
Subject: FW: Contact us - RVS - Not a road vehicle (incl. e-bikes/e-scooters) [SEC=OFFICIAL]

OFFICIAL

Good afternoon S47,

As your business would be aware the importation of vehicles that are not a road vehicle are not required to be covered by a vehicle import approval providing they meet the definition determined in legislation – the [Road Vehicle Standards \(Classes of Vehicles that are not Road Vehicles\) Determination 2021](#). This includes power-assisted pedal cycles and electrically power-assisted cycles.

Where the vehicle does not meet the details of the determination, an assessment must be made whether the vehicle is a road vehicle and will therefore require either a [vehicle type approval](#) or a [concessional RAV entry approval](#).

A road vehicle is defined in the *Road Vehicle Standards Act 2018* as:

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;
 - (b) a trailer or other vehicle (including equipment or machinery equipped with wheels) designed to be towed on a public road by a motor vehicle covered by paragraph (a);
 - (c) a vehicle that is within a class determined in an instrument under paragraph (5)(a) and not determined in an instrument under paragraph (6)(b);
 - (d) a vehicle determined in an instrument under paragraph (6)(a);
 - (e) a partly completed or unassembled vehicle that would otherwise be covered by any of the above paragraphs.

Further, the [Road Vehicle Standards \(Classes of Vehicles that are Road Vehicles \) Determination 2021](#) includes the following details that will be considered during an assessment:

(2) Each of the following is a *road-going feature*:

- (a) direction indicators;
- (b) brake lights;
- (c) rear vision mirrors;

- (d) provision for mounting a registration plate;
- (e) seatbelts;
- (f) a fully enclosed cabin with doors.

An assessment would include whether the vehicles will be used in transport or have any road-going features that may determine the vehicles as road vehicles and requiring a relevant vehicle import approval.

We would recommend you submit an application for an [advisory notice](#) that a thing (the ebike) is not a road vehicle. You will be able to provide further detail and any supporting documentation, images and specification material for the ebike with your application. The assessor will determine whether to issue an advisory notice that the ebikes are not road vehicles or you will be further directed to your vehicle import approval pathway options.

I hope this information assists you.

Kind Regards,

s22(
1) Support Team Leader
GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development and Communications
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS

infrastructure.gov.au

*I would like to acknowledge the traditional custodians of this land on which we meet, work and live.
I recognise and respect their continuing connection to the land, waters and communities.
I pay my respects to Elders past and present and to all Aboriginal and Torres Strait Islanders.*

[ROVER Release 8C | Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)

From: Department of Infrastructure, Transport, Regional Development, Communications and the Arts
<infrastructure.noreply@govcms.gov.au>
Sent: Thursday, 4 April 2024 12:04 PM
To: ROVERinfo <ROVERinfo@infrastructure.gov.au>
Cc: s47F @bikeoz.com.au
Subject: Contact us - RVS - Not a road vehicle (incl. e-bikes/e-scooters) [SEC=OFFICIAL]

Submitted on 4 April 2024

Submitted by: Anonymous

Submitted values are:

Full name

s47F

Business name

Bicycle Industries Australia

Email

s47F @bikeoz.com.au

Phone

s47F

Reason for contact

Other

Category

Not a road vehicle (incl. e-bikes/e-scooters)

Message

I am requesting feedback on the process for importing an ebike which does not fit the definition of an EPAC or a Power assisted pedal cycle. There is a huge number of over powered e-bikes currently being imported and sold - and I would like to know the process for importing them. Does it require an import permit?

Also, if an ebike has a power of 1500w, but it is restricted to 250w, is it considered to be an EPAC if it meets all other EPAC requirements? thanks

I have read the privacy notice

Yes



Sharon Claydon MP

FEDERAL MEMBER FOR NEWCASTLE

6 May 2024

The Hon. Catherine King MP
 Minister for Infrastructure, Transport, Regional Development and Local Government
 PO Box 6022
 Parliament House
 CANBERRA ACT 2600

Dear Minister *Catherine*

Please find enclosed correspondence I have received from my constituent, ^{s47F} [REDACTED], regarding regulations for the sale of e-bikes in Australia.

^{s47F} [REDACTED] has advised me that he has also written directly to you regarding this matter.

^{s47F} [REDACTED] ^{s11C(1)(a)} [REDACTED] which retail electric cargo bikes in Australia. He states that most Australian states and territories permit the sale of e-bikes with a maximum power output of 250w, no throttles unless under 200w, and speed limited to 25km/h. New South Wales, however, permits the sale of e-bikes with a power output of up to 500w.

^{s47F} [REDACTED] states that there are importers who sell non-compliant e-bikes in the Australian market, which makes it difficult for businesses such as his to maintain compliance. He notes that many consumers seek a throttle to manage the Australian terrain, and that the United Kingdom has recently changed its regulations to permit the sale of e-bikes with a power output of up to 500w and throttle assistance of up to 25km/h.

I understand that ^{s47F} [REDACTED] would like Australia to adopt nationally consistent regulations concerning the sale of e-bikes, based on similar requirements as the United Kingdom.

I ask that you consider the matters raised by ^{s47F} [REDACTED] and provide me with a copy of your response.

Yours sincerely

^{s47F} [REDACTED]

Sharon Claydon MP
Federal Member for Newcastle

Encl.



Address: 427 Hunter Street, Newcastle NSW 2300 **Phone:** (02) 4926 1555

Email: sharon.claydon.mp@aph.gov.au SharonClaydonforNewcastle @SharonClaydon

Web: www.sharonclaydon.com

From: s47F <s47F@gmail.com>
Sent: Friday, March 1, 2024 10:26 AM
To: Minister.King@mo.infrastructure.gov.au
Cc: Repacholi, Dan (MP Office) <Dan.Repacholi.MP@aph.gov.au>; Claydon, Sharon (MP) <Sharon.Claydon.MP@aph.gov.au>
Subject: Sensible changes to E-Bike laws in the UK to better support mobility

Dear Minister King.

s11C(1)(a) We specialise in electric cargo bikes for Australian families. Conservatively we believe our small business alone is responsible for replacing over 2 million kilometres of car usage every year with a more active, environmentally friendly and fun mode of transport. s11C(1)(a)

s11C(1)(a) we live in Sharon Claydon's electorate in Newcastle.

All of our bikes comply with the E-Bike standard EN15194 (bar one which is designed for the NSW market only).

The laws state that e-bike power limits must be limited to 250w, no throttles (unless power is <200w), with 25km/h speed limit.

Unfortunately these limits are often inadequate in Australia, where most cities are hilly, and on a cargo bike where heavy loads are the norm. Many of our customers seek the health and environmental benefits of a cargo bike, but are limited due to their location or mobility issues. Many of our customers seek a throttle to help them get started as health issues do not give them the strength to be able to start their bike without one.

We're left with the unfortunate situation in Australia where many importers are importing and selling non compliant bikes. This makes it difficult for companies like ourselves who maintain compliance with the standard to compete, and puts customers of these companies at risk who are inadvertently breaking the law when riding these non compliant e-bikes.

The UK government has just introduced a sensible proposal designed to overcome the limitations with the current standards (they also operate under EN15194). Their proposal is to increase the allowed power to 500 watts and allow throttle assistance up to 25km/h. They state the main reasons for this change is to overcome the limitations I've listed above and ultimately to help more people to engage in active travel.

NSW has already made a step in the right direction by increasing maximum power limits to 500w. Unfortunately state based changes make it difficult for most companies like ourselves to make changes in product lines as it creates complexity in our operations in a country like Australia where there are 6 states and 2 territories. We really need these changes to be made federally, in which hopefully the states will fast follow and update their standards to match.

I encourage you to read the UK proposal and consider a similar approach in Australia. The cat is out of the bag on this one already, I believe there are probably more non-compliant e-bikes in Australia than compliant ones. Applying some sensible updates to the standards would encourage more people to do the right thing and purchase a bike which is legal to ride on the roads in Australia. Happy to discuss this issue in further detail.

Regards,

s47F

s47F

s47F

s47F

Released under the Freedom of Information Act 1982 by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts



The Hon Catherine King MP

Minister for Infrastructure, Transport, Regional Development and Local Government
Member for Ballarat

Ref: MC24-005718

Ms Sharon Claydon MP
Member for Newcastle
427 Hunter Street
NEWCASTLE NSW 2300

via: sharon.claydon.mp@aph.gov.au

Dear Ms Claydon

Sharon,

Thank you for your letter of 6 May 2024, on behalf of §47F, regarding regulations relating to the sale of e-bikes in Australia. I apologise for the delay in responding.

The Australian Government regulates the first provision of road vehicles through the *Road Vehicle Standards Act 2018*. Road vehicles are broadly defined as vehicles designed solely or primarily for use in transport on public roads.

Most e-bikes do not meet the definition of a road vehicle and the Government does not have a role in regulating their design, importation or provision to the Australian market. The Road Vehicle Standards (Classes of Vehicles that are not Road Vehicles) Determination 2021 (the Determination) sets out the parameters of vehicles (including e-bikes) that are definitely not road vehicles; vehicles falling outside those parameters are not necessarily road vehicles, but must be assessed on a case by case basis.

I have passed §47F comments on to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, who administers the Determination on my behalf, for consideration in the next review of the determination. The Determination is reviewed periodically in close consultation with state and territory jurisdictions, who are responsible for the in-service regulation of both road-going and non-road vehicles. This ensures alignment between vehicles approved for import and provision and those permitted to operate on Australian roads and bike paths.

Thank you for bringing §47F concerns to my attention.

Yours sincerely

Catherine King MP

26 10 /2024