

Transport and Other Legislation (Managing E-mobility Use and Protecting Our Communities) Amendment Bill 2026

Explanatory Notes

Short title

The short title of the Bill is the Transport and Other Legislation (Managing E-mobility Use and Protecting Our Communities) Amendment Bill 2026 (the Bill).

Policy objectives and the reasons for them

E-mobility devices, including e-bikes, e-scooters and other types of personal mobility devices (PMDs), offer a host of benefits, including reduced carbon emissions, decreased traffic congestion, tourism, and enhanced accessibility for short-distance travel. However, the use of both legal and non-compliant e-mobility devices in Queensland is causing significant community concern about a range of issues including: an unacceptable rise in injuries and fatalities, particularly children; pedestrians feeling unsafe on footpaths; young riders lacking maturity and road rule education; the high prevalence of non-compliant e-mobility devices including illegal motorbikes; enforcement difficulties due to insufficient police powers; and confusion about device requirements and rules.

From 2022 to 2025, there were 6,089 PMD-related injury presentations at emergency departments across 36 Queensland hospitals (those that report data to the Queensland Injury Surveillance Unit). There was nearly a 100 per cent increase in injuries from 2022 to 2025 (from 1,083 to 2,000 emergency department presentations). These figures represent only a partial view of the PMD injury problem as not all Queensland hospitals are included. In addition, in 2025 alone, there were 12 fatalities involving e-mobility devices, including eight fatalities involving PMDs, one fatality involving a legal e-bike, and three fatalities involving non-compliant e-motorbikes.

In the data reported to the Queensland Injury Surveillance Unit, 623 (around 9 per cent) of the injured PMD riders admitted to alcohol use. This figure is likely underestimated as 90 per cent of casualties did not specify if alcohol or drug use was involved. In research conducted by the Department of Transport and Main Roads in 2024, 19 per cent of hire e-scooter users said they had ridden when probably or definitely over the legal limit. In that same research, 45 per cent of e-scooter riders had observed drunk e-scooter riders.

E-mobility usage has increased significantly across Queensland, particularly amongst children. Young riders face heightened safety risks due to limited road rule education, lack of training and inexperience navigating road environments. Research has also shown a strong relationship between young novice drivers developing cognitive function and an increased risk of crashes. Since 2020, data from select emergency departments across Queensland has shown a consistent year-on-year increase in the proportion of PMD-related injuries involving individuals under 16. Notably, in 2025, over a quarter of PMD-related injuries presented to emergency departments

were to persons under 16.

Of most community concern is the significant spike in non-compliant e-mobility devices and other illegal motorbikes being used dangerously in public areas. These are often mistaken for e-bikes but have performance capabilities exceeding legal requirements, and are too easily imported, sold and used in Queensland. Police face significant enforcement challenges, particularly given difficulties stopping riders, dangers in pursuits, and the prevalence of offending amongst children.

On 1 May 2025, the Queensland Parliament referred an inquiry into e-mobility safety and use in Queensland to the State Development, Infrastructure and Works Committee (the Committee). The inquiry examined safety issues, the adequacy of existing regulatory frameworks, enforcement powers, risks associated with lithium battery-powered devices, and gaps between Commonwealth and Queensland laws permitting the importation and use of illegal devices, as well as broader community concerns regarding the use of e-mobility devices. On 4 March 2026, the Committee tabled Report No. 21 of the 58th Parliament, making 28 recommendations addressing infrastructure, device definitions, user rules and requirements, police enforcement powers, retailer regulation, battery safety, data collection and use, and national advocacy.

The overarching policy objectives of the Bill are to provide for nation-leading reforms that respond to community concerns arising from the use of e-mobility devices in Queensland and implement the transport-related reform recommendations of the Committee. The Bill proposes amendments to the *Transport Operations (Road Use Management) Act 1995* (TORUM Act), *Police Powers and Responsibilities Act 2000* (PPR Act), *State Penalties Enforcement Act 1999* (SPE Act), *Summary Offences Act 2005* (SO Act), and associated regulations, to strengthen the regulatory framework for compliant e-mobility devices and establish a nation-leading approach to crack down on the use of non-compliant e-mobility devices and other illegal motorbikes.

In summary, the Bill includes amendments to:

- ensure only appropriately qualified riders use e-mobility devices by:
 - introducing a minimum rider age limit of 16 years
 - requiring riders to hold a valid driver licence of any type or class, effectively setting a learner licence as the minimum
 - enhance enforcement powers and offence regimes to deter unsafe and illegal behaviour by:
 - introducing fit-for-purpose police powers to seize and dispose of “prohibited bikes” (which includes non-compliant e-mobility devices, electric and petrol-powered motorbikes that do not meet Australian Design Standards and are therefore illegal for use on roads and in public places, and motorbikes that are capable of registration but are being used while unregistered)
 - enhancing the drink riding framework for riders of e-mobility devices and bicycles, including by allowing random breath testing and introducing new offences for low and mid-range drink riding
 - introducing a new, targeted offence framework with significant penalties for riders of prohibited bikes
 - extending the offences for evading police, and engaging in hooning-related behaviours, such as posting images and videos about hooning, to e-mobility devices
 - increasing a number of existing infringement notice penalties related to e-mobility devices to better reflect the seriousness of the offence, including penalties for speeding, not wearing a helmet, carrying passengers, riding on a prohibited road and
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- riding without due care and attention, and prescribe additional existing offences as infringement notice offences
- allowing enforcement of unpaid infringement notices for certain offences involving a vehicle committed by persons aged 16 and 17
- ensure all parties involved in e-mobility use contribute to safety outcomes by:
 - enabling enforcement action against parents where a child under 16 rides an e-bike, PMD or prohibited bike unlawfully, unless the parent proves they did not know of the conduct or took all reasonable steps to prevent it
 - requiring shared e-mobility providers (e.g. hire scooter companies) to ensure riders meet age and licensing requirements
 - prohibiting the sale of e-mobility devices and motorbikes not eligible for full registration (unregisterable motorbikes) to a child under 16
- modernise e-mobility device definitions and standards by:
 - aligning with the recognised e-bike safety standard and introducing mandatory compliance labelling for e-bikes
 - revising the dimensional limits for PMDs and reinstating a maximum design speed of 25 km/h
 - allowing approved motorbike helmets to be worn by all e-mobility riders and riders of non-motorised bicycles
- protect pedestrians by improving the use of footpaths and other shared spaces through:
 - providing a consistent 10 km/h speed limit for all e-mobility devices on footpaths and shared paths
 - encouraging safer parking of e-mobility devices by:
 - introducing a new offence for parking on a path in a way that obstructs pedestrian or vehicle thoroughfare
 - requiring shared e-mobility providers to provide councils or police with rider information to support enforcement
 - allowing PMDs to be used on any road up to 60 km/h to support rider choice and reduce traffic on footpaths.

Achievement of policy objectives

Definition of electrically power-assisted cycle

The Bill amends the TORUM Act and the *Transport Operations (Road Use Management – Road Rules) Regulation 2009* (Queensland Road Rules) to modernise Queensland’s regulation of e-bikes by replacing the outdated term “power-assisted bicycle” with “electrically power-assisted cycle” (EPAC). An EPAC is commonly known as an e-bike.

The new EPAC definition expressly requires compliance with the prescribed EPAC standard (*EN 15194:2017+A1 – Cycles – Electrically power assisted cycles – EPAC Bicycles* (EN 15194)), together with a permanently attached compliance label. These amendments align Queensland with contemporary national and international practice and establish a clearer and more enforceable standard for riders, retailers and police.

The practical impact of these amendments is that, to be lawfully ridden in public, e-bike riders

will need to ensure that their device complies with the new EPAC standard and has a label that verifies this compliance. A six-month transitional period is included in the Bill to allow retailers and existing owners time to obtain compliance labels or make necessary modifications so that devices meet the updated EPAC definition.

To support practical roadside enforcement, the Bill introduces an offence for attaching a compliance label to a device that is not an EPAC, and an offence for riding a device that bears a compliance label but does not comply with the EPAC standard. These targeted offences, together with the mandatory labelling requirement, provide police with an immediate and reliable mechanism to verify device compliance without technical testing.

In recognition that some electrically assisted vehicles operate safely but are technically unable to be certified to EN 15194 for reasons unrelated to risk, the Bill preserves limited flexibility through the existing special circumstances permit framework in the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* (AOP Regulation). This mechanism may be used, for example, to authorise the conditional use of electrically assisted tricycles (e-trikes) or other non-standard electrically assisted vehicles that are safe in practice but cannot meet the EN 15194 standard due to technical constraints. This approach maintains the integrity and clarity of the EPAC definition, supports safe innovation, and avoids undermining the operation of the prohibited bike framework.

Definition of personal mobility device

The Bill amends section 15A of the Queensland Road Rules to update the prescribed requirements for a PMD. The amendments reinstate a maximum design speed of 25 km/h, ensuring that only low-speed devices are captured by the PMD definition and reducing the safety risks posed by high-powered devices. This amendment aligns Queensland with other state and national definitions, ensuring regulatory harmony and improving community understanding.

The dimensional criteria are also modernised by introducing a maximum wheelbase and modestly increasing the permitted maximum width, better reflecting contemporary device designs that incorporate larger wheels and stability-enhancing features. These changes will promote safer, more predictable PMDs while maintaining appropriate device standards for vulnerable path users.

As a large proportion of PMDs currently in circulation exceed the new 25km/h design-speed threshold, the Bill provides a six-month transition period to allow owners and suppliers sufficient time to bring devices into compliance. After this transition period, only devices that meet the new threshold will be able to be lawfully ridden in public.

Prohibited bike framework

The Bill introduces a new framework in the TORUM Act for addressing high-risk, non-compliant devices by creating the concept of a “prohibited bike” and a new offence for riding a prohibited bike on a road, road-related area (e.g. footpath) or in a public place (e.g. parks, ovals, golf courses and other places open to the public). The definition of “prohibited bike” in new section 6 of the TORUM Act captures:

- non-compliant EPACs (i.e. devices that do not meet the definition of EPAC)
 - non-compliant PMDs (i.e. devices that do not meet the definition of PMD)
 - two- or three-wheeled motorised vehicles that are either ineligible for registration (e.g. because they do not comply with the Australian Design Rules for use on roads), or they are
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capable of registration but are being used while unregistered.

These devices are increasingly used on roads and in public spaces in ways that create significant safety, nuisance and enforcement issues.

To support practical and efficient roadside enforcement, the Bill includes evidentiary aids that allow the absence of a number plate or vehicle identification number to be taken as evidence that a vehicle is not registered, or not eligible for registration, and that evidence that an EPAC has been modified is evidence that the cycle is not compliant with the EPAC standard, unless the rider or owner proves otherwise. These rebuttable presumptions recognise the operational reality that police cannot safely or reliably assess technical specifications during a roadside interception.

For PMDs, which are exempt from registration (and therefore have no number plates) and are not required to carry any form of compliance labelling, the Bill recognises that police cannot rely on the presence or absence of official markings to determine compliance. Instead, police officers will draw on a combination of observable and measurable criteria, supported by existing and new testing powers. In practice, evidentiary support will be based on:

- visual inspection of the device
- measurement of wheelbase, width and height
- assessment of the device's unladen weight
- existing speed detection provisions to establish the speed at which the device is travelling
- the testing powers in new section 121A of the TORUM Act, enabling an approved testing device to be used to assess the device's maximum design speed.

These tools collectively allow officers to determine whether a device exceeds the prescribed PMD criteria—particularly the reinstated maximum design speed of 25 km/h—and therefore is a prohibited bike within the new definition of that term in the legislation.

Electric and internal-combustion engine motorbikes that comply with Australian Design Rules are also captured as prohibited bikes when used without registration in public areas, as they present equivalent safety and enforcement risks to other high-powered illegal devices.

Given the significant risks associated with illegal high-speed devices, the new offence of riding a prohibited bike carries a maximum penalty of 40 penalty units and is prescribed as an infringement notice offence under the *State Penalties Enforcement Regulation 2014* (SPE Regulation), with a penalty of 3 $\frac{3}{5}$ penalty units. If a person is charged with the new offence, they cannot also be charged with the existing offence that applies for unregistered motor vehicles (and vice versa). A specific provision is included in the Bill to avoid double punishment.

Licensing and age requirements for e-mobility devices

The Bill will make it an offence for a person to ride an EPAC or PMD on roads, road-related areas and in public places:

- without a valid Queensland driver licence or non-Queensland driver licence, for any class of vehicle
- while under 16 years of age.

In effect, the licence requirement imposes a minimum requirement to hold a learner licence and ensures riders have basic road rule knowledge. Normal licence conditions will not apply which

means, for example, there will be no requirement for a learner riding an e-mobility device to be supervised, to display L or P plates, or for other young driver restrictions to apply. The licence requirement also allows for interstate and overseas licence holders to ride e-mobility devices to ensure there are no adverse impacts on tourism.

The requirement to hold a valid licence (not expired, suspended or disqualified) will prevent those who have demonstrated poor driving behaviour from using an e-mobility device. It also ensures that riders of e-mobility devices remain as medically fit as possible, to reduce potential risks to themselves or other road users. However, as is the case for offences committed on non-powered bicycles, offences committed on a compliant EPAC or PMD will not impact a person's driver licence (offences will carry fines but no demerit points or licence sanctions).

Under the current legislation, there is no age limit for riding EPACs, children under 12 cannot ride a PMD and children aged 12 to 15 can only ride a PMD while supervised by an adult. The Bill replaces these existing rules with a blanket rule for both PMDs and EPACs that a rider must be at least 16. The existing age limit rules for riding PMDs were not well understood or complied with.

A person who commits an offence against this new provision will be subject to a maximum penalty of 30 penalty units. The offence will also be an infringement notice offence under the SPE Regulation with three penalty units.

Parental responsibility framework

The Bill amends the TORUM Act to introduce a parental responsibility framework to address the ongoing risks created when children under 16 unlawfully ride e-mobility devices or prohibited bikes on roads, road-related areas and in public places. The reforms respond to continuing high rates of unsafe riding and serious injuries involving young children, as well as the enforcement difficulties where police are unable to influence the adults who have enabled a child's access to a device.

The framework operates on the premise that parents are ordinarily best placed to supervise children, control access to vehicles, and ensure compliance with age, licensing and safety rules. Accordingly, the Bill provides that where a child under 16 unlawfully rides a relevant device, the parent is taken to have committed the same offence. This mechanism is intended to encourage responsible behaviour by adults, improve deterrence, and provide police with a practical tool to address unsafe and unlawful riding by minors.

A parent may avoid liability by proving, on the balance of probabilities, that they did not know, and could not reasonably have been expected to know, about the child's conduct, or that they took all reasonable steps to prevent the child from engaging in it. This reverse-onus model recognises that parents are the only party with access to the information necessary to establish the steps they took to supervise the child or restrict access to the device. It also provides an important safeguard to ensure that liability does not arise where the child's actions were genuinely outside the parent's knowledge or control.

The scope of the offence is deliberately confined to adults who have or exercise ongoing parental responsibility for the child. This includes parents, step-parents, guardians and other adults with enduring parental responsibility. The offence does not apply to adults temporarily caring for a child, such as a family friend or relative babysitting a child for a limited period, or approved carers

including foster carers, kinship carers, or residential care workers. This ensures liability attaches only to adults with genuine and ongoing responsibility for the child, without imposing obligations on temporary or statutory carers who may have limited capacity to supervise the child or restrict access to a device.

The reforms are intended to reduce unlawful riding by minors, minimise associated injuries and emergency department presentations, and support safer public spaces. By clarifying adult responsibilities and addressing key gaps in the existing legislative framework, the measures provide police with a clear and enforceable mechanism that does not depend on proving who owns the device or establishing any formal care arrangements between the adult and the child. The model does not criminalise children or impose liability for matters genuinely outside a parent's control; rather, it aligns responsibility with the practical role parents play in determining whether children have access to devices that present significant safety risks.

Obligations for shared scheme providers in relation to age and licence

The Bill introduces a new offence requiring shared e-mobility providers, such as hire scooter companies, to take all reasonable steps to ensure riders are at least 16 years of age and hold a valid driver licence. This measure will help prevent under 16-year-olds from accessing e-mobility devices until they are older and have more skill and experience.

Shared e-mobility providers have a defence where a rider has provided a false declaration of their age or licence status, and it was reasonable in the circumstances for the provider to rely on the declaration.

The maximum penalty for a first offence is 140 penalty units, a second offence is 280 penalty units, and a third or later offence is 420 penalty units. An infringement notice fine amount of 14 penalty units also applies.

Prohibition on sale of e-mobility devices to under 16-year-olds

Amendments to the SO Act insert new offences for selling e-mobility devices and motorbikes that cannot be registered with full road access (unregisterable motorbikes) to persons under 16. A defence is provided for the seller to prove that evidence of age was requested, purported evidence of age was provided, and that there was no reason to believe the evidence was false.

The offences inserted by the amendments are:

- a general offence that a person must not sell an e-mobility device or unregisterable motorbike to a person under 16
- an offence for a commercial seller to fail to instruct an employee not to sell an e-mobility device or an unregisterable motorbike to a person under 16, and to fail to warn the employee that it is an offence if they disregard the instruction
- an offence for an employee who sells an e-mobility device or an unregisterable motorbike to an under 16-year-old, where the commercial seller who is their employer has complied with the requirements around giving the employee an instruction and warning
- an offence for a commercial retailer to fail to display prohibition signs at retail outlets or on any online platform where an e-mobility device is available for sale.

These new offences are intended to limit an under 16-year-old from gaining access to e-mobility

devices and unregistrable motorbikes, which they cannot legally ride in public.

Seizure and destruction powers

The Bill introduces a new, fit-for-purpose administrative framework in the PPR Act to enable the seizure, forfeiture and disposal of prohibited bikes used, or reasonably suspected of having been used, on roads, road-related areas, or in public places. The framework responds to significant community concern about high-risk, non-compliant e-mobility devices and other illegal motorbikes being used in public spaces, and addresses long-standing enforcement limitations under existing police powers.

Under new Chapter 4A, a police officer may seize a vehicle if the officer reasonably suspects it is a prohibited bike and that it is being ridden, or has been ridden, in a public place. This includes circumstances where a prohibited bike is located parked, secured or abandoned in a way that indicates it could only have been brought to that location through unlawful riding. This reduces the need for high-risk interception and supports safer, more practical enforcement.

The Bill allows for police, other government agencies and contractors engaged on behalf of the State to transport and store seized vehicles. In practice, once a vehicle is seized by police, the Department of Transport and Main Roads (TMR), under an operational agreement with the Queensland Police Service (QPS), will manage the transportation, storage and destruction of seized vehicles. Third-party providers will be engaged as necessary to support these functions. A Memorandum of Agreement will be developed between TMR and QPS to support these arrangements.

The Bill requires police to issue a seizure notice to the rider or person in possession of the vehicle at the time of seizure, or, if the vehicle was unattended, to publish a notice on the Queensland Police website. If the vehicle is believed to be part of a shared e-mobility scheme, notice must also be provided to the relevant scheme provider. These notices explain the circumstances of the seizure, where the vehicle is stored, and how an owner may apply for the vehicle's release (i.e. return). A standard 30-day application period applies, with the Police Commissioner able to extend the period by up to 30 days where reasonable in the interests of justice.

The Commissioner must return the vehicle if satisfied that the applicant is the owner and that any of the following grounds for return are met:

- the vehicle is registered and lawful to use in public places
- the vehicle is not a prohibited bike
- the applicant did not ride and did not authorise the riding of the vehicle
- the vehicle was not ridden in a public place.

Refusal decisions are subject to internal review by a senior officer not involved in the original decision, providing an accessible and timely safeguard against error. A person can also apply to the Queensland Civil and Administrative Tribunal (QCAT) to have the decision reviewed externally.

If no release application is made within the statutory period, or all applications (including any internal and external review) are refused, the vehicle is forfeited to the State. Following forfeiture, the Commissioner may destroy the vehicle or, if satisfied it is eligible for registration or otherwise lawful for use in public places, sell it. This ensures that unsafe, high-powered and unregistrable

devices cannot be returned to circulation, preventing further offending and addressing public safety risks.

Where a vehicle is sold, the Bill prescribes an order for applying sale proceeds: expenses of the sale; other reasonable costs incurred by the State in seizing, removing, storing and dealing with the vehicle; any registered security interest; and any balance to the consolidated fund.

If proceeds are insufficient to cover the State's costs, and the identity of the owner or rider at the time of seizure is known, the Commissioner may issue a costs notice requiring payment of the outstanding amount. Any unpaid amount may be recovered as a debt due to the State.

Overall, these powers provide a clear, administratively efficient and procedurally fair mechanism to permanently remove dangerous, illegal and high-risk vehicles from Queensland roads and public places. They complement the new offence framework for riding prohibited bikes under the TORUM Act, and align Queensland with a similar legislative approach adopted in Western Australia.

PMD road access

Amendments are made to the Queensland Road Rules to expand road access for PMDs. These amendments remove current provisions that, in essence, provide that PMDs can only be ridden on particular roads, being roads that have no dividing line or median strip, have a speed limit of 50 km/h or less, and are not one-way roads with more than one marked lane. These existing rules are replaced with a simpler provision that allows PMDs to ride on any road with a speed limit of 60 km/h or less.

Expanding access to additional roads and bicycle lanes is expected to encourage PMD users to transition from footpaths to appropriate lower-speed roads, improving pedestrian safety and reducing congestion on shared paths. This approach aligns PMD rider choice with that already afforded to bicycle riders, who are permitted to ride on roads. The increased flexibility will also enable PMD riders to make informed, risk-based decisions about where to travel, supporting more consistent and compliant behaviour. These amendments respond directly to stakeholder concerns that the current road access rules contribute to unsafe interactions on footpaths.

Footpath speed limits

The Bill includes amendments to the Queensland Road Rules to provide an offence for riding a PMD or EPAC at more than 10 km/h on a footpath or shared path. This replaces the existing offence which imposed a 12 km/h limit for PMD. There was no existing speed limit for EPACs riding on a footpath or shared path, so the amendment also addresses a regulatory gap.

The 10 km/h limit is a default limit that may be displaced where a speed limit sign or path speed limit marking applies a different (higher or lower) speed limit. The 10km/h limit also does not apply to dedicated bicycle lanes or cycleways where pedestrians are prohibited.

A uniform speed limit for PMDs and EPACs on footpaths and shared paths will support proactive enforcement. The change is intended to address public safety concerns and improve the safety of pedestrians. Importantly, lower speeds on footpaths and shared paths may deter riders from using these environments in areas with high pedestrian activity or where higher-quality active transport infrastructure is available, encouraging riders to select routes that better support higher speeds.

As part of these changes, the SPE Regulation is also amended so that the penalty unit prescribed for the infringement notice offence of speeding on a PMD is aligned with that for bicycles (including EPACs). This means that the infringement notice fine for PMDs will double.

For all other areas that are not a footpath or shared path, the default maximum speed for PMDs remains 25 km/h unless a lower speed limit applies under a speed limit sign or pavement marking, while for bicycles (including EPACs) the speed limit continues to be the speed limit applying to the adjacent road, speed limited area, school zone, shared zone or applicable default limits, unless a speed limit sign or pavement marking indicates otherwise.

Drink riding

The Bill will introduce new offences in the TORUM Act for a person aged 16 and over who rides a PMD or bicycle (including EPAC) while they are:

- over the general alcohol limit but not over the middle alcohol limit
- over the middle alcohol limit but not over the high alcohol limit.

These offences will sit alongside the existing offence of riding a PMD or bicycle while ‘under the influence’ (under section 79(7) of the TORUM Act) and will create a tiered offence structure similar to the one used for drink driving for motor vehicles. That is, there will be three levels of offending: low-range, mid-range and high-range. The new offences will be subject to a maximum penalty of 20 penalty units for the low-range offence and 28 penalty units for the mid-range offence. The Bill also includes amendments to the SPE Regulation to prescribe them as infringement notice offences subject to three and five penalty units, respectively.

It will also be an offence to ride a PMD or bicycle for 8 hours after being charged with a drink riding offence or with the offence of failing to provide a specimen. This will have a maximum court penalty of 14 penalty units and an infringement notice penalty of 2 penalty units.

To support enforcement of the new drink riding offences, the Bill also includes amendments that will provide powers for police to use breath testing devices to measure the breath alcohol content of PMD and bicycle riders aged 16 and over. The breath testing provisions will largely be consistent with the current provisions that apply for motor vehicle drivers.

Other amendments included in the Bill to better align the drink riding framework with the framework that applies to drink driving include:

- introducing a presumption that if the rider of a PMD or bicycle is over the high alcohol limit, they are presumed to be ‘under the influence’ of alcohol and therefore in breach of section 79(7) of the TORUM Act
- inserting provisions that provide where a rider of a PMD or bicycle fails to provide a specimen for testing or analysis, they will be taken to be guilty of the offence against section 79(7), rather than the offence under section 80(11AA).

Infringement notice enforcement for 16- and 17-year-olds

The Bill includes amendments to the SPE Act to ensure particular vehicle-related infringement notices served on 16- and 17-year-olds can be fully enforced. This will mean that unpaid fines can be pursued in the same way they can for adults and, where applicable, once the fine is paid, the

offences can be recorded on the traffic history of the 16- or 17-year-old.

The SPE Act currently only applies to 16- and 17-year-olds where they opt to voluntarily pay a fine or, for 17-year-olds, for transport offences that incur demerit points. To address this, the Bill amends section 5(2) of the SPE Act to expand the category of children to whom the Act applies. Specifically, the amendments provide that the SPE Act applies to 16- and 17-year-olds who commit certain road safety offences under the TORUM Act and regulations, including new offences related to riding an EPAC, PMD or prohibited bike.

In practice, the current framework results in a cohort of child offenders who are not held accountable for potentially very serious road safety offending. Holding children accountable for road safety offences is vital for fostering long-term safe driving behaviours and reducing road trauma. Research shows that early driving habits significantly influence future behaviour, and failing to address unsafe practices can normalise risk-taking and undermine the road safety framework. The ability to deal with offending against new e-mobility offences will support effective enforcement of the new laws.

Parking

The Bill includes a new offence for parking a PMD or EPAC on a footpath, shared path, bike path or nature strip in a way that unreasonably obstructs pedestrian or vehicle thoroughfare. Poorly parked devices can obstruct pedestrians and vehicles, particularly people with disabilities, placing them at risk of an accident. While there are existing parking offences for e-mobility devices, such as parking in a no-parking area and obstructing access to and from a footpath or driveway, there is otherwise a gap in the legislation to enforce unsafe e-mobility parking. The Bill addresses this by inserting a new offence provision in the Queensland Road Rules. This offence will be able to be enforced by local governments and police by issuing an infringement notice.

The Bill also introduces a new obligation on e-mobility hire providers so that the providers are required to provide local governments or police with information about the last known user. Failure to provide the information is an offence. This offence is also prescribed as an infringement notice offence. These provisions will support effective enforcement of parking offences involving shared e-mobility devices.

Helmets

While a rider of a PMD can currently wear either an approved bicycle helmet or approved motorbike helmet, a rider of a bicycle or low powered toy scooter, passenger on a bicycle, or person in or on a trailer being towed by a bicycle or PMD can only wear an approved bicycle helmet. The Bill includes amendments to the Queensland Road Rules so that a person riding a bicycle (including EPACs and non-motorised bicycles) can wear either an approved bicycle helmet or approved motorbike helmet.

This amendment enhances consistency in helmet requirements and gives more flexibility to EPAC and bicycle users.

Hooning-related behaviours

The Bill includes amendments to the SO Act so that it is an offence to engage in hooning-related behaviours in relation to e-mobility devices. Hooning-related behaviours include organising,

filming, promoting (for example, posting videos or images), encouraging, and spectating hooning behaviour. While existing provisions in the SO Act already make hooning-related behaviours illegal for motor vehicles (which includes non-compliant e-mobility devices), there is no similar offence for compliant e-mobility devices.

The amendments will mean that there are consistent offences for persons that engage in hooning-related behaviours, regardless of whether the vehicles involved are non-compliant or compliant e-mobility devices. It is apparent that engaging in risky behaviours with e-mobility devices and posting about it online is motivating dangerous behaviour for some individuals and groups, particularly young persons.

This amendment brings hooning-related behaviours for compliant e-mobility devices into the existing offence in section 19C of the SO Act, which has a maximum penalty of 40 penalty units or 1 year imprisonment.

Police evasion

The Bill amends the PPR Act to expand the existing offence for evading police to also apply to e-mobility devices. This ensures significant penalties apply to riders who evade police, just as they do for drivers of motor vehicles. The amendment seeks to address identified risks arising from the increasing use of e-mobility devices and the potential for serious harm where riders attempt to evade police, particularly in circumstances involving high speeds, disobedience of lawful directions, or endangerment of others.

Infringement notice penalties

Amendments to the SPE Regulation will increase the infringement notice fine for carrying passengers on bicycles and PMDs from 1 penalty unit to 3 penalty units. This reflects the high incidence of “doubling” among PMD riders, the injuries sustained by passengers and strong community concern about the behaviour. Raising these penalties is intended to deliver a meaningful deterrent and improve safety outcomes by discouraging practices that significantly increase the likelihood of loss of control and serious harm.

The infringement notice fine for failing to wear a helmet will also be increased through amendments to the SPE Regulation. The penalty unit for persons on a low powered toy scooter will increase from $\frac{2}{3}$ to 1, while the penalties for riders and passengers on a bicycle (including an e-bike), riders of a PMD, and persons in or on a trailer being towed by a bicycle or PMD, will increase from 1 to 3 penalty units. Wearing a helmet is one of the most effective measures for preventing serious head injuries among cyclists and users of e-mobility devices. Extensive research consistently shows that helmets significantly reduce the risk of head trauma, severe brain injury, and death resulting from crashes. The increased penalty aims to increase deterrence and encourage helmet use, and therefore reduce preventable harm.

There will be an increase in the infringement notice amount for the offence of riding a PMD on a prohibited road (i.e. a road with a speed limit more than 60km/h). An increase from $1\frac{1}{2}$ penalty units to 3 penalty units is proposed to strengthen the deterrent effect of the offence and align it with the recognised high-risk nature of non-compliance. It will also create consistency with the comparable offences of carrying passengers and failing to wear a helmet, and responds to evidence that stronger penalties are required to reduce unsafe behaviour and promote compliance with the Queensland Road Rules.

The Bill also prescribes the existing offences of riding an e-mobility device on a road or path without due care and attention (sections 84(2) and 84AA of the TORUM Act) as infringement notice offences with 3 penalty units. This will provide a practical enforcement tool for behaviour frequently identified in submissions to the Parliamentary Committee as contributing to collisions and injuries, and will better align e-mobility enforcement with the framework applying to motor vehicles.

Alternative ways of achieving policy objectives

A number of alternative options for addressing the policy objectives were considered during policy development. These options sought to respond to community concerns regarding the use of e-mobility devices, improve safety outcomes for all road and pathway users, and give effect to the recommendations of the Parliamentary Committee.

Non-legislative approaches, such as community education campaigns, voluntary industry standards, and enhanced public messaging, were examined. While these measures can support improved awareness and promote safer behaviour, they are not capable of delivering the level of regulatory clarity and enforceability necessary to respond to the identified risks. In the absence of clear statutory requirements, these approaches were assessed as insufficient to achieve consistent compliance or provide an effective deterrent to unsafe conduct.

Although targeted enforcement measures may assist in addressing localised safety issues, they cannot by themselves deliver the broader, systemic changes required to implement all of the Committee's recommendations or ensure a uniform approach to e-mobility device use across the State.

Current legislative provisions do not adequately address the emerging safety issues arising from increased e-mobility uptake and expansion in variety of devices, nor do they clearly define obligations or penalties tailored to the unique characteristics of these devices.

For these reasons, legislative amendment is considered the most effective and proportionate mechanism to achieve the policy objectives. The Bill provides a comprehensive, enforceable framework that clarifies obligations, supports consistent application across Queensland, and enables the Government to respond to evolving e-mobility risks while complementing non-legislative measures such as education and enforcement activities.

Estimated cost for government implementation

Implementation will require changes to Queensland Government IT systems. This includes changes to systems to enable unpaid infringement notices issued to 16- and 17-year-olds to be referred to the State Penalties Enforcement Registry to allow debt enforcement to be undertaken. Specific implementation costs are still to be determined.

Consistency with fundamental legislative principles

The Bill has been prepared with due regard to the fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992*. The amendments that impact upon these principles are outlined below.

Legislation should have sufficient regard to the rights and liberties of individuals – sections 4(2)(a) and (3), *Legislative Standards Act 1992*

Definition of electrically power-assisted cycle

The amendments update the definition of EPAC by adopting the standard EN 15194 and introduce a mandatory compliance labelling regime for EPACs. These changes engage the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals.

Requiring devices to comply with EN 15194 and display a compliance label may affect individuals who lawfully purchased, owned or sold devices prior to commencement. These individuals will need to verify compliance of their device and obtain a compliance label if their device does not already have one, as well as potentially undertake modifications to bring their device into compliance. However, these impacts are mitigated by a six-month transitional period, which provides reasonable time for adjustments by owners, importers and retailers. Obligations in the Bill fall predominantly on suppliers and retailers rather than individual riders. The Bill provides proportionate penalties that reflect the safety risks associated with high-powered or non-compliant devices.

In addition, the Bill preserves limited flexibility for devices that are safe in practice but cannot be certified to EN 15194 due to technical constraints unrelated to risk. This may include, for example, electrically-assisted tricycles (e-trikes) or other non-standard electrically assisted vehicles that operate safely but cannot be certified due to their physical configuration or design. These devices may be authorised for use under the existing special circumstances permit framework in the AOP Regulation, allowing conditional use without expanding or weakening the EPAC definition or undermining the prohibited bike framework. This mechanism mitigates potential rigidity in the EPAC standard by enabling safe, atypical devices to continue to operate lawfully in appropriate circumstances.

Given the significant safety concerns associated with non-compliant, high-powered devices, and the availability of both transitional arrangements and the special circumstances permit mechanism, the impact on rights and liberties is considered proportionate and justified.

Definition of personal mobility device

The maximum design speed of 25 km/h for PMDs may affect individual rights and liberties by limiting the continued use or sale of devices that were lawful under the previous PMD definition but are capable of travelling at higher speeds. While this may restrict some existing users and retailers, the impact is proportionate and justified.

PMDs are permitted to operate in shared environments with pedestrians and other vulnerable road users. Maintaining PMDs as genuinely low-speed devices is necessary to address increasing safety risks associated with more powerful models and to ensure consistency with national expectations for PMD performance. A clear design speed threshold also provides certainty for users, retailers and enforcement agencies and supports a safe and predictable operating environment.

The ability to modify most devices through software-limiting or hardware adjustments means that devices will generally be able to be brought into compliance with the PMD definition (and

therefore be able to be legally used in public) without replacing the device. The six-month transitional period mitigates potential impacts by allowing owners and industry sufficient time to apply speed-limiting measures, obtain assistance from manufacturers or retailers where required, and establish reasonable methods for demonstrating compliance in the absence of a standardised labelling system.

Once the transitional period ends, any PMD capable of exceeding 25 km/h will fall outside the PMD definition and be treated as a motorbike, or, if ineligible for registration, an “illegal motorbike”. This consequence is necessary to preserve the integrity of the PMD category as a low-speed class suitable for shared spaces.

Accordingly, the amendments are considered to have sufficient regard to the rights and liberties of individuals, noting that any limitations are confined to what is necessary to ensure public safety and maintain a coherent regulatory framework.

Prohibited bike framework

The creation of a new offence for riding a prohibited bike may raise a fundamental legislative principle concern about exposure to double punishment, as the same conduct could overlap with the existing offence of using an unregistered vehicle. The Bill addresses this risk by expressly preventing dual penalties, ensuring the offences operate as alternatives rather than cumulative sanctions. This preserves proportionality while maintaining flexibility for enforcement where a device is incapable of being registered.

The breadth of the prohibited bike definition may also impact individual rights by capturing non-compliant devices that resemble lawful EPACs or PMDs, or unregistrable motorbikes. However, the definition is necessary to prevent circumvention through cosmetic or minor modifications and to ensure that unsafe, high-powered devices are not used in public spaces under the guise of lawful e-mobility devices.

Overall, the amendments have sufficient regard to the rights and liberties of individuals. The limitations imposed are proportionate to the significant safety risks posed by high-powered, non-compliant devices and are appropriately mitigated through express protections against double punishment, clear statutory processes, and targeted safeguards.

Age limits

The amendments restrict the liberty of children under 16 by prohibiting them from riding e-mobility devices they may previously have been permitted to use. The Bill also indirectly restricts the autonomy of parents to determine whether their children can ride such devices, particularly given the removal of the supervised-riding allowance for PMDs previously applicable to children aged 12–15. This raises the fundamental legislative principle that legislation should not unduly interfere with individual liberties.

The amendments respond to identified safety risks, simplifies the regulatory framework, and promotes clearer, more consistent enforcement. Available evidence indicates that children under 16 are more vulnerable to serious injury and may lack the capacity to consistently assess road and path hazards, even when supervised.

The amendments represent a reasonable balance between individual liberties and the protection

of children and other path and road users.

Licensing

Requiring a person to hold a driver licence before riding an EPAC or PMD limits the ability of individuals to use these devices freely, and therefore raises the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals. There may be individuals who are unable to obtain a licence for a broad range of reasons, including medical conditions or disability.

However, the amendment serves an important purpose in ensuring all riders have a baseline understanding of road rules and is expected to reduce crash and injury risks for riders and other road users. Only a learner licence is required to ride an EPAC or PMD, which represents the lowest level of driver licensing and minimises the regulatory burden on individuals.

The requirement to hold at least a learner licence also ensures e-mobility riders are medically fit to ride. To obtain a learner licence in Queensland, an applicant must be medically fit to drive and must declare any permanent or long-term medical condition that may adversely affect their ability to drive safely. The existence of a medical condition does not, of itself, prevent a person from obtaining a licence, as an applicant may provide a medical certificate relating to their fitness to drive and may be granted a licence subject to conditions. While there will be some persons who are not medically able to obtain a licence, the Bill does not prevent those persons from accessing alternative and safer modes of transport that are better suited to their circumstances, such as mobility scooters or other assisted mobility devices.

The requirement to have a driver licence does not import general licence conditions applicable to motor vehicles (e.g. supervision of learners, L or P plate display, or young driver restrictions), thereby minimising intrusion on individual liberty while achieving the core objective of basic road-rule competency. The offence attracts a monetary penalty only (no demerit points or licence sanctions), aligning the enforcement response with the lower risk profile of e-mobility devices relative to motor vehicles and ensuring proportionate consequences for non-compliance. Accordingly, the amendments are considered to have sufficient regard to the rights and liberties of individuals.

Parental responsibility framework

The parental responsibility framework engages individual rights because it attributes liability to a parent for an offence committed by their child. Holding a person criminally responsible for the conduct of another is a departure from fundamental legislative principles.

The scope of the offence is deliberately narrow. Liability applies only to persons who have or exercise ongoing parental responsibility for the child who committed the offence. The Bill specifically excludes liability for temporary carers, foster carers, kinship carers, and other approved carers who may be responsible for the child only on a short-term or statutory basis. This ensures the offence does not extend to individuals who may have limited authority or practical capacity to supervise the child or restrict their access to a device.

The provision includes a clear defence for a parent to avoid liability. A parent will not be held responsible if they can prove, on the balance of probabilities, that they did not know, and could not reasonably have been expected to know, about the child's conduct, or that they took all

reasonable steps to prevent it. This safeguard recognises the importance of not unfairly penalising parents who have exercised appropriate supervision and ensures consequences are proportionate.

The policy objective is to address a persistent public safety risk. Children riding e-mobility devices and prohibited bikes unlawfully have caused serious injuries, and current enforcement tools do not adequately influence adult behaviour. The offence therefore targets conduct that presents significant safety concerns for children and the broader community. The parental responsibility framework supports responsible adult decision-making and addresses a regulatory gap identified by enforcement agencies.

Balancing these considerations, the provisions are considered to have sufficient regard to the rights and liberties of individuals. The imposition of liability is confined to those with real and ongoing parental responsibility, is supported by a clear defence for a parent to avoid liability, and is proportionate to the seriousness of the harm the reforms seek to prevent.

Obligations for shared scheme providers in relation to age and licence

The amendments create a new offence requiring shared e-mobility providers to take all reasonable steps to ensure riders of their devices are at least 16 years of age and hold a driver licence. Creating a new offence and imposing positive compliance obligations on private entities engages the fundamental legislative principle that legislation should not unduly interfere with the rights and liberties of individuals.

The interference is justified by the strong public safety objective of preventing underage and unlicensed use of shared e-mobility devices, and by limiting the obligation to shared scheme providers who are best placed to implement access controls. Shared e-mobility providers exercise direct control over access to their devices through booking, activation and account management systems and are therefore uniquely positioned to prevent underage and unlicensed use. The obligation is limited to shared scheme providers and does not apply to others that may own or make available e-mobility devices. These amendments have a delayed commencement, not commencing until 1 January 2027, providing time for providers to update their systems. In these circumstances, it is considered that any impact on rights and liberties are reasonable.

Prohibition on sale of e-mobility devices to under 16-year-olds

While the prohibition on selling e-mobility devices to persons under 16 does not directly regulate the collection or disclosure of personal information, it may, in practice, require sellers to request proof of age. This engages, in a limited way, the principle that legislation should have sufficient regard to the rights and liberties of individuals. The impact is minimal and justified, as the Bill does not prescribe how age is to be verified, does not require the retention or disclosure of personal information, and is consistent with long-standing age-based sales restrictions for other regulated products (e.g. alcohol, tobacco). The measure is proportionate to the significant public safety objective of preventing children from accessing high-risk devices.

Footpath speed limits

Imposing a stricter speed limit (10 km/h) on footpaths and shared paths restricts the way individuals may use PMDs and EPACs, limiting personal choice about travel speed. This may raise the fundamental legislative principle that legislation should not unduly interfere with individual liberties.

The limitation on individual liberty is justified by the significant safety risks associated with higher-speed interactions between riders of e-mobility devices and pedestrians. Footpaths and shared paths are used by vulnerable individuals, including older persons, children, vision-impaired persons and those with reduced mobility. Higher speed limits apply on other infrastructure types such as roads or dedicated cycleways. This preserves rider choice and flexibility while ensuring that higher speeds are confined to environments designed to safely support them. On balance, the amendment is considered to have sufficient regard to the rights and liberties of individuals, as the interference with personal freedom is proportionate and demonstrably justified by pedestrian safety considerations and broader network-level benefits.

Drink riding

The amendments may raise concerns in relation to double punishment as a person that has committed a drink riding offence and subsequently rides their bicycle may then be liable for both a subsequent drink riding offence and the offence of riding a PMD or bicycle within 8 hours of committing a drink riding offence. However, this approach is broadly consistent with the current approach for motor vehicles (where a licence suspension applies preventing them from driving) and acts as a strong deterrence against getting on a bike or PMD when potentially still over the limit.

The Bill will also empower police to require persons riding a PMD or bicycle to provide specimens of breath for alcohol testing. This raises the fundamental legislative principle issue regarding individual rights and liberties as this is a power affecting bodily autonomy. However, on balance, while roadside breath testing of riders raises concerns about individual rights and bodily autonomy, the powers are necessary to enforce the drink riding scheme, proportionate to the risks addressed, and safeguarded by alignment with the existing, well-understood drink-driving regime for motor vehicles. Extending testing powers provides a practical, objective tool to detect and deter alcohol-affected riding and to give effect to the new tiered offences. PMDs and bicycles increasingly operate in mixed traffic with pedestrians and vehicles, so alcohol-affected riding presents material safety risks. The existing drink-driving framework contains a number of safeguards including in relation to use of approved testing devices and prescribed procedures.

The low-range and mid-range offences for drink riding limits individual rights and liberties by criminalising conduct and exposing individuals, including children aged 16 and 17, to enforcement action and penalties. However, the limitation is considered reasonable and justified in the circumstances. When operated while intoxicated, these devices pose significant risk of injury to the rider, pedestrians, and other road users, regardless of the age of the rider. The offences are narrowly targeted at conduct that presents a foreseeable safety risk (i.e. where the rider is at least over the general alcohol limit of 0.050 breath alcohol concentration) and applies only when a person is riding an e-mobility device or bicycle and not where they are pushing or pulling, or a passenger of, an e-mobility device or bicycle. While the offences apply to children aged 16 and 17, existing youth justice protections will ensure age-appropriate treatment.

Police evasion

The Bill includes an amendment to expand the existing offence of evading a police officer to include conduct involving e-mobility devices, with a maximum penalty of up to five years' imprisonment where circumstances of aggravation apply. The creation or expansion of criminal offences, particularly where imprisonment is available, may affect individual rights and liberties.

The offence is clearly defined and limited to intentional conduct involving the evasion of a police officer acting lawfully in the execution of their duties. The minimum and maximum penalty, including the potential for imprisonment, aligns with the gravity of the conduct and reflects penalties applicable to comparable conduct involving other vehicles. The courts retain discretion to impose an appropriate sentence in the circumstances of each case.

The amendment pursues a legitimate objective of protecting public safety and preventing dangerous conduct involving e-mobility devices. While the amendment engages fundamental legislative principles by expanding criminal liability and the potential for imprisonment, it does not depart from them in a material or unjustified way.

Parking

Requiring e-mobility hire providers to supply information about the last known user engages the principle that legislation should not unduly impose obligations on individuals. Requiring providers to disclose information about a last known rider and other location, time and identifying information, including photographs of the parked device, imposes obligations on these providers and engages privacy rights by allowing government access to information that identifies individuals. However, the requirement is narrow, relies generally on information already collected by operators, and is justified to ensure effective enforcement where a rider is not sighted committing an offence.

The provision supports the effective enforcement of parking offences involving e-mobility devices. Without access to information about the last known user, enforcement authorities are unable to identify the responsible person, undermining compliance, deterrence and the integrity of the parking regime. The power to request information from a provider can only be exercised where the authorised officer reasonably suspects an offence relating to parking e-mobility devices. The information that may be requested is confined to what is reasonably necessary to identify the person responsible for the alleged offence and establish the elements of the parking contravention. The Bill does not permit open-ended or speculative information gathering.

Riders of shared e-mobility devices voluntarily provide personal information to providers as a condition of use and can reasonably expect that such information may be disclosed to authorities for law enforcement purposes, including parking enforcement.

Infringement notice enforcement for 16- and 17-year-olds

Extending the SPE Act to enable full enforcement of infringement notices against 16- and 17-year-olds raises the fundamental legislative principle regarding whether the legislation has sufficient regard to the rights and liberties of children. The Bill also increases the number of infringement notice offences which can be given to any persons, which includes children. This includes offences relating to riding without due care and attention, low- and mid-range drink riding, and riding an e-mobility device without a valid licence.

The current framework creates a gap where unsafe or unlawful behaviour by 16- and 17-year-olds cannot be meaningfully addressed unless fines are paid. This has resulted in a cohort of young offenders who are not held accountable for potentially serious road safety breaches. Holding young persons accountable for road safety offences is critical to shaping long-term safe driving

behaviours and reducing road trauma.

The amendments have been narrowly targeted to apply only to specified driving and riding offences under transport legislation, and do not extend to local government infringement notices or to the broader category of general child offending. The enforcement mechanisms available under the SPE Act provide structured, proportionate, and graduated options—such as payment plans and hardship processes—that offer appropriate safeguards for young persons while still ensuring accountability.

Police officers also have well-established procedures to consider when dealing with children, including in deciding whether to issue a penalty infringement notice or take an alternative action. While the Bill includes additional offences for which an infringement notice can be issued to children, there is no requirement to issue an infringement notice to a child. Existing youth justice protections ensure that police adopt age-appropriate methods and enforcement responses when dealing with children.

Legislation should provide for the compulsory acquisition of property only with fair compensation – section 4(3)(i), *Legislative Standards Act 1992*

Seizure and destruction powers

The Bill introduces a new administrative seizure, forfeiture and disposal framework under Chapter 4A of the PPR Act to address the significant safety risks posed by prohibited bikes. These powers engage the fundamental legislative principle that legislation should provide for compulsory acquisition of property only with fair compensation and that individuals' property rights should be protected. A legislatively authorised interference with private property ordinarily requires a corresponding right to compensation unless the interference is sufficiently justified by legitimate public interest considerations.

The power to seize a vehicle based on a reasonable suspicion that it is a prohibited bike permits the temporary deprivation of property and therefore engages the principle. A reasonable suspicion will often be formed on a visual assessment, particularly as prohibited bikes commonly lack identifying features such as vehicle identification numbers or number plates. While this creates a possibility that lawful bicycles may occasionally be seized following an incorrect assessment, the threshold of reasonable suspicion is an established safeguard used widely in regulatory and enforcement contexts. It requires an officer to act on a rational, evidence-based suspicion and prevents arbitrary or speculative seizure. Importantly, the power to seize does not enable the permanent deprivation of property; it authorises only the removal and secure storage of the vehicle pending the completion of subsequent statutory steps.

The seizure power is considered necessary due to the practical enforcement difficulties associated with prohibited bikes. Compliance cannot be reliably determined at the roadside because unlawful devices may appear visually similar to compliant EPACs or PMDs and may conceal their power or speed capabilities. Without a clear power to seize suspected prohibited bikes, unlawful devices could continue to be operated in public places, undermining road safety objectives and exposing the community to heightened risks. These devices frequently operate at higher speeds or with greater power than permitted and are often associated with unsafe, antisocial or evasive riding behaviour. The temporary deprivation of property enabled by the seizure power is therefore proportionate to the urgent need to address significant community safety risks.

The forfeiture and destruction powers represent a more substantial interference with property rights. Once forfeited, a vehicle becomes the property of the State without compensation. Permanent deprivation of property is justified, necessary and proportionate having regard to the nature and scale of the safety risks posed by prohibited bikes and the need to permanently remove dangerous, high-risk vehicles from circulation. Prohibited bikes are frequently used in ways that endanger both riders and the public, including at high speeds, in pedestrian areas, or in circumstances where police are unable to safely intervene. Forfeiture is directed not merely at penalising the individual instance of non-compliance that led to the seizure but at preventing ongoing and repeated unlawful use.

Crucially, the legislative framework incorporates multiple layers of procedural fairness before forfeiture can occur. This includes detailed notice requirements, extended statutory timeframes and a structured decision-making process that provides affected persons with clear and accessible pathways to contest the seizure and seek return of the vehicle. The application process for return of the vehicle enables an owner to demonstrate that the vehicle is lawful, that it was used without their knowledge or permission, or that it was not ridden in a public place. This process provides fair and proportionate opportunities to address situations involving mistaken seizure or unauthorised use.

The framework also includes a multi-layered system of administrative review. If the Police Commissioner refuses to release the vehicle, the affected person may seek internal review by a senior officer who was not involved in the original decision. Beyond internal review, a person who remains dissatisfied may apply for external merits review by QCAT. The requirement to give a QCAT information notice, the 28-day timeframe for seeking external review, and the obligation on the applicant to give the Commissioner a copy of the QCAT application ensure that the Commissioner is promptly notified and cannot dispose of the vehicle while the review remains on foot. This staged review process ensures that administrative decision-making affecting property rights is subject to independent scrutiny and provides an additional safeguard against error, enhancing procedural fairness and mitigating concerns associated with compulsory acquisition without compensation.

Only once all statutory opportunities for return have been exhausted, including closure of the application period for return of the vehicle, completion of internal review where requested, and finalisation of any QCAT external review, can a forfeiture event occur. This ensures that permanent deprivation of property occurs only after the person has had meaningful opportunities to contest the decision. Although no compensation is payable following forfeiture, this is justified by the high-risk nature of prohibited bikes, the need to protect public safety, and the fact that forfeiture only arises after the owner declines to establish lawful entitlement to the vehicle's return.

On balance, while the framework limits individual property rights, the limitation is reasonable, justified and proportionate to the legitimate objective of improving public safety and preventing the continued operation of dangerous, unlawful devices in public spaces. The combination of clear statutory criteria, notice requirements, extended timeframes, internal review and external merits review by QCAT ensures an appropriate balance between efficient enforcement and fair treatment of individuals affected by the exercise of the powers.

Legislation should confer power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer – section 4(3)(e), *Legislative Standards Act 1992*

Prohibition on sale of e-mobility devices to under 16-year-olds

The Bill amends the PPR Act to expand powers to search a person without a warrant to circumstances where a person has something that might be evidence of the commission of new offences against the SO Act. Those offences relate to the sale of a controlled vehicle (an e-mobility device or a motorbike that can be registered for road use without conditions) to a child under 16 (section 19Q) and the sale by employees of a controlled vehicle to a child under 16 (section 19S). The expansion of search powers in the PPR Act engages the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals, including the principle that search powers should generally be exercised under the authority of a warrant. The provisions also engage additional considerations because the powers may be exercised in relation to children.

However, the expansion of the warrantless search power is considered justified in the circumstances. The new offences are directed at preventing the supply of controlled vehicles to children, which poses significant safety risks to the child and to other members of the community. The offences are often committed in commercial or transactional contexts, where evidence such as receipts or electronic communications, may be carried on a person and may be readily concealed, altered or destroyed if not secured promptly.

Requiring police to obtain a warrant in all circumstances would undermine the effective enforcement of the new offences and may frustrate investigations, particularly where there is an immediate need to secure evidence. The power is subject to existing safeguards and accountability mechanisms governing the conduct of police searches.

While the power may be exercised in relation to a child, this is considered necessary to ensure the effectiveness of the enforcement regime. The application of the power to children is incidental to the legitimate objective of preventing the unlawful sale of controlled vehicles to minors and ensuring community safety. The power does not target children as offenders but enables police to secure evidence relevant to the commission of the offences. Existing statutory safeguards governing the treatment of children during police interactions continue to apply, mitigating the impact on their rights and welfare.

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review – section 4(3)(a), *Legislative Standards Act 1992*

Destruction powers

The Bill confers a discretion on the Police Commissioner to dispose of a seized device where the rider or owner does not apply for its return within the prescribed period, or where an application has been made and refused. The exercise of this power engages the fundamental legislative principle that administrative powers should be clearly defined and subject to appropriate review. The disposal of a vehicle is a significant administrative outcome, so the scope of the power must be carefully framed to ensure fairness and accountability.

The power to dispose of a vehicle arises only after a sequence of clearly prescribed statutory steps have occurred. A vehicle must first have been lawfully seized on the basis of a reasonable suspicion. The Commissioner must ensure that notice of the seizure has been given or published, including information about the seizure, the storage location and the process for seeking return of the vehicle. The application period for release (return) of the vehicle must also have expired without an application, or any application must have been assessed and refused. The discretion to dispose of a vehicle therefore does not arise at large, but is triggered only after the owner has been afforded a clear and reasonable opportunity to contest the seizure and establish a lawful basis for the vehicle's return.

The availability of internal review provides an important safeguard by ensuring that a refusal decision is reconsidered by a senior officer who was not involved in the original decision. The internal reviewer must reassess the matter on its merits and give written reasons, promoting transparency and accountability and reducing the risk of administrative error. The review mechanism is designed to ensure that individuals receive procedural fairness and that decision-making reflects the statutory criteria and underlying purpose of the scheme.

External merits review by QCAT strengthens these protections further. A person who is dissatisfied with the internal review decision may apply to QCAT within the prescribed timeframe, and the internal review decision must be accompanied by a QCAT information notice to ensure applicants are aware of their rights. An additional safeguard is created through the requirement for the applicant to give the Commissioner a copy of the QCAT application within seven days of filing. Once notified, the Commissioner must refrain from disposing of the vehicle until the external review is decided or otherwise resolved. This ensures the disposal power cannot be exercised while independent merits review remains available and provides a robust mechanism for resolving disputes before permanent deprivation of property occurs.

The discretion is further confined by the statutory purpose of the scheme. Disposal may occur only to facilitate the removal of unsafe, unlawful or high-risk devices from public places, and the Commissioner remains bound by the scope and objectives of Chapter 4A of the PPR Act as well as general administrative law principles. These include acting reasonably, taking relevant matters into account and performing functions for a proper purpose. The combination of statutory constraints and general administrative law obligations ensures that the discretion is exercised predictably, rationally and within appropriate limits.

On balance, although the disposal power involves a significant administrative discretion, the power is clearly defined, procedurally structured and supported by multiple review pathways, including internal review and external merits review by QCAT. These features ensure that the amendments have sufficient regard to the rights and liberties of individuals for the purposes of section 4(3)(a) of the *Legislative Standards Act 1992*.

Parking

The amendments insert an offence for a person who parks an e-mobility device in a way that unreasonably obstructs pedestrians or other vehicles. The offence engages the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals, including the principle that rights and liabilities should not be made dependent on administrative power unless that power is sufficiently defined.

Concerns may arise in circumstances where an e-mobility device is found to be unlawfully parked,

but the obstruction was not caused by the last rider. Shared e-mobility devices may be moved after a trip has ended, including being pushed over, repositioned by third parties or displaced by environmental factors. The Bill addresses this concern by conferring a new power on authorised officers to request relevant information from shared e-mobility device operators about the last known rider of a device. In particular, operators may be required to provide photographs that riders are typically required to submit at the end of a trip, showing the device as parked. These powers provide an important safeguard by enabling authorised officers to make informed and evidence-based decisions about whether an offence has been committed and who is responsible. The powers reduce reliance on assumption or inference and mitigate the risk of liability being imposed on a person who did not cause the obstruction.

The offence is similar to existing offences, including section 125(1) of the Queensland Road Rules which relates to a driver unreasonably obstructing the path of another driver or pedestrian. While the terminology introduces elements of subjectivity, the requirement for unreasonableness is intended to make it clear that liability arises only where an e-mobility device materially impedes the safe or reasonable passage of others in the circumstances. Enforcement officers will be required to consider all relevant circumstances before issuing an infringement or commencing a prosecution. The offence strikes an appropriate balance between providing sufficient flexibility to address a range of parking scenarios and ensuring that administrative power is not exercised arbitrarily.

The offence is directed at addressing significant public safety and accessibility concerns arising from improperly parked e-mobility devices, which can obstruct footpaths, create hazards for pedestrians, particularly people with disability, and impede the safe movement of other vehicles. While the amendment raises fundamental legislative principles by creating potential enforcement challenges and reliance on administrative judgment, any limitation is considered reasonable and justified.

Penalty infringement notice offences

Several of the offences proposed to be included as penalty infringement notice offences under the SPE Regulation include a subjective element or may otherwise be unclear or arguable, including the following offences:

- section 48AA, TORUM Act - power to require information from shared e-mobility providers (applies where there is a reasonable suspicion a parking offence has been committed)
- section 78D, TORUM Act – parents required to ensure child under 16 does not ride e-mobility device (includes references to taking reasonably practicable steps)
- section 84(2) and 84AA, TORUM Act - riding a bicycle or PMD without due care and attention
- section 84C(2), TORUM Act – riding a vehicle with a compliance label where the vehicle does not comply with the EPAC standard (a person may not have the means of knowing if a device contravenes the EPAC standard)
- section 212A, Queensland Road Rules - unreasonably obstructing bicycle paths, footpaths etc.

Allowing a penalty infringement notice to be issued for offences of this nature raises concerns that a person may be fined in circumstances where it has not been conclusively established that the offence has been committed, and where the matter might ordinarily be more appropriately determined by a court after consideration of evidence.

However, the inclusion of these offences within the infringement notice framework is considered justified and proportionate. The offences address matters of public safety, compliance and amenity within the transport and e-mobility regulatory framework, and the availability of infringement notices supports timely, efficient and consistent enforcement. The relevant subjective concepts, such as ‘reasonable’, ‘reasonably practicable’ and ‘due care and attention’, are well established legal standards that are routinely applied in transport and regulatory contexts.

For the offence in section 84C(2) of the TORUM Act, it is a defence for a person to prove that they purchased the vehicle from a retailer and the label was already attached at the time of purchase. This defence appropriately recognises that consumers are entitled to rely on representations made at the point of sale and should not be penalised for non-compliance arising from manufacturing or retail practices beyond their control. Where a person has purchased a device without a compliance label, it is reasonable to expect that person to take some responsibility for verifying the compliance of the device before riding it. In those circumstances, the rider is in a better position to question the legitimacy of the label or to make reasonable inquiries as to compliance, and it is appropriate that liability may attach if the device is falsely represented as compliant.

The infringement notice scheme does not remove access to judicial oversight. A person issued with an infringement notice retains the right to elect to have the matter dealt with by a court. This election mechanism provides an important safeguard and ensures that contested or uncertain matters can be independently determined by a court.

Legislation should be unambiguous and drafted in a sufficiently clear and precise way – section 4(3)(k), *Legislative Standards Act 1992*

Obligations for shared scheme providers in relation to age and licence

The requirement that a shared e-mobility provider take ‘all reasonable steps’ to ensure age and licence compliance engages the principle that legislation should be unambiguous and drafted in a sufficiently clear and precise way. The term ‘reasonable steps’ is evaluative and requires the exercise of judgment by providers.

The use of this standard is appropriate and justified. A prescriptive list of mandatory verification measures would risk being either under-inclusive or rapidly outdated, given the pace of technological change in identity verification, licensing systems and platform design. Reliance on ‘reasonable steps’ allows the obligation to adapt to different business models and technological capabilities, while remaining anchored to an objective standard of reasonableness assessed in light of the provider’s size, resources and operational control. This approach is consistent with established regulatory practice.

Legislation should not reverse the onus of proof in criminal proceedings without adequate justification – section 4(3)(d), *Legislative Standards Act 1992*

Electrically powered assisted cycles, personal mobility devices and prohibited bikes

The Bill introduces several evidentiary and testing-related provisions that may be viewed as imposing a practical evidentiary burden on individuals. These include evidentiary aids relating to the absence of a number plate or vehicle identification number and evidence of modifications,

compulsory testing powers for EPACs, PMDs and suspected prohibited bikes (new section 34A, TORUM Act), the framework for approved testing devices (new section 121A, TORUM Act), and certificate-evidence provisions for the results of device testing (new section 123KA, TORUM Act). Although these measures may engage the fundamental legislative principle that legislation should not reverse the onus of proof without adequate justification, the provisions are narrowly targeted, expressly rebuttable, and considered necessary and proportionate to address the safety risks associated with high-powered, non-compliant devices.

Evidentiary aids

The Bill provides that:

- evidence that a motorbike does not have a number plate attached is evidence that it is not registered
- evidence that a prohibited bike does not have a vehicle identification number engraved or affixed is evidence it is not eligible for registration
- evidence that an EPAC has been modified is evidence it does not comply with the EPAC standard.

These provisions do not create conclusive presumptions. Each is rebuttable, preserving a person's ability to contest the allegation and produce contrary evidence, for example, registration records, proof that a vehicle identification number was removed for legitimate repair work, or information demonstrating that a modification has not affected the device's compliance with the EPAC standard.

The matters addressed by the presumptions are ones that lie uniquely or most readily within the knowledge or possession of the device's owner or rider—for example, evidence of registration status, manufacturer specifications, compliance documentation, or the circumstances in which the device was acquired or modified. The information required to rebut the presumptions is straightforward and ordinarily available to owners, ensuring the evidentiary burden imposed is neither unfair nor disproportionate. The aids are necessary given the practical difficulties police face in assessing device compliance at the roadside, particularly where devices lack identifying features or where compliance turns on technical characteristics.

Compulsory testing powers (section 34A) and approval of testing devices (section 121A)

New section 34A in the TORUM Act authorises police to require a person to submit a device for testing using an approved testing device, including by placing it on the device, allowing police to transport it, or taking reasonable steps to facilitate testing. While these powers compel individuals to participate in an investigative process, they are strictly confined to situations where an officer reasonably suspects the device may be an EPAC, PMD or prohibited bike, and where the device is being used, or has been seized, in a public place.

The characteristics being tested, such as maximum design speed or motor output, are inherently technical and cannot be reliably determined without specialised equipment. The framework in new section 121A of the TORUM Act provides safeguards by requiring that testing devices, procedures and calibration standards be approved by the Commissioner, published, and supported by record-keeping obligations. A reasonable excuse defence also applies where compliance with a direction is not possible.

These limitations ensure that the compulsory testing powers are no broader than necessary to

achieve the Bill's safety objectives.

Certificate evidence provisions (section 123KA)

New section 123KA of the TORUM Act allows certificates signed by the Police Commissioner—confirming the approval, calibration and proper operation of a testing device, or the results of a test performed using that device—to be admitted as evidence of those matters. These provisions streamline prosecutions involving technically complex devices by reducing the need for expert witnesses. However, the certificates do not constitute conclusive proof. Defendants retain the right to challenge the accuracy, calibration, operation or test results of the device, mirroring long-standing evidentiary arrangements for speed detection technologies.

While the amendments impose certain practical evidentiary burdens, they are limited in scope, directed at matters within an individual's knowledge or control, and subject to robust safeguards. All presumptions are rebuttable, and compulsory testing and certificate evidence processes remain fully subject to judicial scrutiny. In light of the significant public safety risks associated with high-powered non-compliant devices, the measures represent a justified and proportionate departure from the strict application of section 4(3)(d) of the *Legislative Standards Act 1992*.

Obligations for shared scheme providers in relation to age and licence

The amendments provide a defence for scheme providers for where a rider provides false or misleading information and the provider reasonably relies on that information. This places an evidentiary burden on the provider and engages the principle that legislation should not reverse the onus of proof in criminal proceedings without adequate justification.

The evidentiary burden is limited, reasonable and justified. The defence does not require the provider to disprove the offence. Rather, it enables a provider to avoid liability by demonstrating matters that are peculiarly within its knowledge and control, such as the records of information supplied by the rider, and the basis on which that information was relied upon. Requiring the prosecution to disprove rider deception in every case would impose an unreasonable burden and significantly undermine the effectiveness of the regulatory scheme. The defence operates to protect compliant providers who have implemented appropriate safeguards and ensures that liability is directed at failures of due diligence, not unavoidable rider misconduct.

Prohibition on sale of e-mobility devices to under 16-year-olds

The amendments to the SO Act create several offences aimed at preventing the sale of e-mobility devices and unregistrable motorbikes to persons under 16 years of age. A defence is provided for sellers who can prove that they requested evidence of age, were provided with purported evidence, and had no reason to believe the evidence was false. This structure places an evidentiary burden on the defendant and therefore engages the fundamental legislative principle in section 4(3)(d) of the *Legislative Standards Act 1992*, which provides that legislation should not reverse the onus of proof in criminal proceedings without adequate justification.

The reversal of onus is justified in this context. The matters required to be proved are peculiarly within the knowledge of the seller and relate to routine commercial practices. The offence framework is directed at preventing children from accessing high-risk devices that pose serious safety hazards when used without adequate maturity or skill. Ensuring that sellers take responsibility for age-verification is essential to the effectiveness of the prohibition, and the

evidentiary burden reflects the practical necessity of maintaining an enforceable and reliable system of compliance. The defence is narrowly confined and does not require the seller to prove matters beyond their knowledge or control.

Seizure and destruction powers

The new seizure and destruction powers require an owner seeking the return of a seized device to apply for release and demonstrate that the device is compliant or that any offending occurred without their knowledge or permission. This aspect of the framework engages the fundamental legislative principle in section 4(3)(d) of the *Legislative Standards Act 1992*, which provides that legislation should not reverse the onus of proof in criminal proceedings without adequate justification. Although the application process for the release (return) of the vehicle is an administrative mechanism rather than a criminal proceeding, the requirement for an owner to produce information to establish a lawful basis for return may be characterised as placing an evidential burden on the individual that has similarities to a reversed onus.

The requirement is justified, limited and proportionate. The matters the applicant must demonstrate, such as ownership, compliance with technical standards, the lawful status of the device, or lack of knowledge about its use, are peculiarly within the owner's knowledge or control. These facts can ordinarily be established through documents or information that the owner would reasonably be expected to possess, such as compliance certificates, purchase records, correspondence with a retailer, evidence of theft or unauthorised use, or other material showing how the device came into their possession. Requiring the State to disprove these matters in every case would impose an unreasonable evidentiary and investigative burden, undermine the operation of the scheme, and significantly weaken compliance and enforcement outcomes.

The legislative scheme also limits the effect of any reversal of the evidential burden. The requirement on the owner applies only in the context of an administrative process for seeking return of the seized property and does not affect the State's onus to prove any offence. The refusal of a release application does not constitute a finding of criminal liability, nor does it operate as evidence of guilt in any subsequent proceeding. The owner is not required to disprove the commission of an offence, but only to provide information relevant to the defined grounds for release.

Safeguards within the statutory framework further mitigate any concerns arising under section 4(3)(d). Applicants have access to internal review by a senior officer not involved in the original decision, ensuring that adverse decisions are reconsidered independently. If dissatisfied with the internal review outcome, an applicant may seek external merits review by QCAT, which provides an independent tribunal process capable of reassessing all relevant facts and evidence. The availability of these layered review mechanisms ensures that any evidential obligation imposed on the owner is balanced by strong procedural protections, transparency and independent oversight.

On balance, the limited evidential burden placed on the owner is considered justified and proportionate to the objectives of the scheme. The matters in issue lie squarely within the owner's knowledge, the burden does not affect criminal liability, and extensive review rights ensure that decisions are fair, reasonable and subject to independent scrutiny. The amendments therefore have sufficient regard to the fundamental legislative principle in section 4(3)(d) of the *Legislative Standards Act 1992*.

Evidentiary certificates and limits on challenge

The amendments to section 124 of the TORUM Act engage the fundamental legislative principles relating to the rights and liberties of individuals, particularly the principle in section 4(3)(d) of the *Legislative Standards Act 1992* that legislation should not reverse the onus of proof or unduly restrict a person's ability to challenge evidence. The amendments expand the range of matters that may be stated in an evidentiary certificate and introduce a new certificate-based mechanism for establishing that a vehicle was a prohibited bike and that it has been disposed of under Chapter 4A of the PPR Act. A certificate issued under section 124 will be conclusive evidence of the matters stated unless the defendant can adduce evidence that could not reasonably have been provided earlier. This modifies the usual rules of evidence by deeming certain facts proved unless rebutted within the statutory exception, and therefore limits the capacity of a defendant to challenge factual matters in proceedings relating to the unlawful use of prohibited bikes.

The broader amendments to section 124 streamline and expand the range of matters that may be stated in an evidentiary certificate, including compliance-related facts, the circumstances of seizure and the disposal of a vehicle. These amendments ensure that relevant facts can be reliably established in proceedings where the physical device is no longer available for inspection following lawful forfeiture and destruction under Chapter 4A. A certificate mechanism is necessary to avoid evidentiary gaps that would otherwise undermine enforcement and to support the practical continuation of prosecutions in cases involving prohibited bikes.

The limitation on a defendant's ability to challenge certified matters is moderated by a clear statutory exception allowing rebuttal where contrary evidence could not reasonably have been provided earlier. This ensures the evidentiary framework does not operate unfairly in circumstances where the defendant lacked a genuine opportunity to obtain or present relevant material before disposal. In addition, the Chapter 4A procedures (notice requirements, the return application process, internal review and external merits review by QCAT) provide multiple earlier opportunities to contest the characterisation of a vehicle and correct factual error before any certificate is issued.

On balance, while the amendments impose constraints on challenging certain evidentiary matters, these constraints are narrow, justified and proportionate to the enforcement challenges associated with prohibited bikes. The amendments are clearly drafted, incorporate appropriate safeguards and reflect established certificate-evidence models used where property is no longer available. They are therefore assessed as having sufficient regard to the fundamental legislative principles in section 4(3)(d) of the *Legislative Standards Act 1992*.

Parental responsibility framework

The parental responsibility framework includes a limited reversal of the onus of proof. A parent is deemed to have committed the offence unless they can prove they did not know, and could not reasonably have been expected to know, about the child's conduct, or that they took all reasonable steps to prevent it. This places a legal burden on the parent and accordingly engages the principle that legislation should not reverse the onus of proof without adequate justification.

The reversal is necessary to support enforcement of the parental responsibility offences. Only the parent will have knowledge of and evidence to support the steps they took to prevent the child from riding the device. It would be unduly difficult, and in many cases impossible, for the prosecution to prove such matters without the parent first identifying them. A parent who did not

know, and could not reasonably have been expected to know, about the child’s conduct, or that they took all reasonable steps to prevent it will only need to prove this on the balance of probabilities to exercise this defence.

The rebuttable presumption is also necessary to achieve the policy objective. Police frequently encounter children riding unlawfully but cannot readily establish whether a parent permitted or enabled the conduct. Without a tailored evidentiary mechanism, enforcement would remain ineffective, undermining deterrence and public safety outcomes. A limited reversal of the onus provides a workable enforcement tool while retaining appropriate safeguards.

The measure is proportionate. It applies only to parents with ongoing parental responsibility for the child, rather than temporary or statutory carers, and relates only to high-risk behaviour by minors that presents significant safety concerns. The parent’s ability to avoid liability by raising reasonable and readily accessible evidence mitigates the impact of reversing the onus.

Accordingly, while the provision departs from the usual position, the limited reversal of the onus of proof is considered justified and appropriate given the safety risks addressed, the nature of the matters in issue, and the preservation of the prosecution’s obligation to prove guilt beyond reasonable doubt.

Drink riding

The Bill provides that if a PMD or bicycle rider is over the high alcohol limit, they are presumed to be “under the influence” and therefore in breach of section 79(7) of the TORUM Act. The Bill also provides that where a rider fails to provide a specimen for testing or analysis, they are taken to be guilty of the section 79(7) offence. These measures engage the principle that legislation should not reverse the onus of proof in criminal proceedings without adequate justification.

The presumption that a PMD or bicycle rider over the high alcohol limit is “under the influence” mirrors the well-established drink-driving framework for motor vehicles and responds to the practical enforcement need to determine impairment reliably. At high blood alcohol levels, the link between alcohol concentration and impairment is strong, making a presumption a reasonable and efficient means of protecting public safety. The approach avoids the evidentiary challenges of proving impairment on a case-by-case basis and provides clear, objective thresholds.

In relation to the provisions which deem a rider that fails to provide a specimen to be “under the influence”, it is noted that the roadside alcohol testing framework is operationally vulnerable to non-compliance (refusals). Without a strong consequence for refusal, the integrity of the scheme would be undermined and riders could readily evade detection notwithstanding observable indicia of impairment. A deeming provision provides a clear deterrent and ensures the offence framework is enforceable in practice. The deeming approach aligns with the long-standing drink-driving framework applicable to motor vehicles.

A Bill should allow the delegation of legislative power only in appropriate cases and to appropriate persons – section 4(4)(a), *Legislative Standards Act 1992*

Definition of electrically power-assisted cycle

The incorporation of EN 15194 into the definition of EPAC raises the fundamental legislative principle that legislative power should only be delegated in appropriate cases and to appropriate

persons. The standard is developed by an external body not subject to parliamentary oversight. The standard is also highly technical and available only at a cost, potentially limiting accessibility.

These concerns are mitigated by the nature and purpose of the standard. EPAC compliance depends on complex engineering and performance criteria that are not readily understood or assessed by a layperson. Motor power output, for example, is difficult to determine even for a qualified engineer without specialised equipment. In this context, reference to a reputable international technical standard provides a practical and transparent proxy for compliance. The presence of an EN compliant label enables buyers to make informed decisions, retailers to confidently verify stock and police officers, who are not technical experts and have no ability to test power output in the field, to enforce the law effectively.

A similar approach is routinely taken in the Queensland Building Codes, where legislation incorporates Australian Standards produced by external technical bodies. Those incorporations are accepted as necessary because the standards deal with complex, safety-critical engineering matters for which Parliament is not the appropriate drafting authority. The same rationale applies here—technical performance requirements for EPACs are unsuitable for codification in primary legislation.

The amendments support public safety and protect the integrity of the regulatory framework by deterring the circulation and use of non-compliant devices. The labelling requirement provides a clear, objective mechanism for compliance assessment, supports effective enforcement, and reduces ambiguity for consumers, retailers and police.

Consultation

The Parliamentary Committee consulted extensively throughout its inquiry into e-mobility devices. This included six public briefings with government agencies, 10 public hearings involving approximately 70 organisations and individuals, and one private hearing at Palm Beach Currumbin State High School. Over 1,200 public submissions were made to the inquiry outlining concerns with the use of e-mobility devices.

Consistency with legislation of other jurisdictions

The Bill is specific to the legislative framework of the State of Queensland.

Definition of electrically power-assisted cycle

The Commonwealth now adopts EN 15194 as the defining standard for “power-assisted pedal cycles” under the *Road Vehicle Standards (Classes of Vehicles that are Not Road Vehicles) Determination 2021* (Cth). Queensland’s adoption of the same standard aligns the State’s framework with national import and classification settings.

Other jurisdictions are taking a similar approach. Western Australia already incorporates EN 15194 directly into its road traffic legislation, and New South Wales has publicly announced it will adopt EN 15194 in 2026 to replace its current 500-watt allowance. These reforms indicate a clear shift towards national uniformity.

In this context, Queensland’s adoption of EN 15194 ensures the State is not an outlier and avoids

unnecessary compliance complexity for retailers, enforcement agencies and consumers. The Bill therefore promotes harmonisation with Commonwealth arrangements and emerging interstate practice.

Definition of personal mobility device

Most Australian jurisdictions apply the national PMD definition in the Australian Road Rules, which requires devices to be low-speed and not capable of exceeding 25 km/h when propelled only by the motor. Queensland departed from this approach in 2022 by removing the design-speed criterion, resulting in higher-powered devices being treated as PMDs and creating inconsistency with other States and Territories. Reinstating the 25 km/h maximum design speed will realign Queensland with the national model adopted in jurisdictions such as Victoria, South Australia, Tasmania, the Northern Territory and the ACT, simplify cross-border compliance for users and suppliers, and ensure PMDs used on Queensland's footpaths and shared paths meet the same low-speed safety expectations applied elsewhere in Australia.

Age limits

Most other Australian jurisdictions require riders of PMDs to be at least 16. Canberra and Queensland are currently the only jurisdictions to not require this. This Bill aims to align Queensland with other jurisdictions and achieve regulatory harmonisation.

The only other jurisdiction to require e-bike riders to be aged 16 and above is Western Australia. This Bill seeks to ensure that rules and requirements for PMDs and e-bikes are aligned as much as possible by requiring the same rider age limits.

Seizure and destruction powers

Western Australia has already introduced a targeted administrative regime enabling police to seize, impound and permanently confiscate unlicensed motor cycles based on a reasonable suspicion that they have been unlawfully used on a road, without needing to witness the offence or rely on court-based forfeiture processes. Queensland's proposed framework adopts a similar preventative model by allowing police to seize and forfeit prohibited bikes based on reasonable suspicion, given compliance checks at the roadside are not practicable and these devices typically lack identifiers such as registration, a vehicle identification number or compliance markings, reflecting the operational challenges faced by enforcement officers. New South Wales has also publicly announced plans to introduce comparable powers to target high-powered, non-compliant e-mobility devices.

The Bill therefore aligns Queensland with the emerging national approach that empowers police to proactively remove unsafe and unlawful devices from public places through an administrative seizure and destruction process.

Notes on provisions

Part 1 Preliminary

Short title

Clause 1 states the short title of the Act.

Commencement

Clause 2 provides for the commencement of the Act on 1 July 2026, with the exception of amendments to the SPE Act (which will commence on proclamation) and the insertion of section 78C (the requirement for e-mobility providers to ensure the user is over 16 years and holds a valid licence, which will commence on 1 January 2027).

Part 2 Amendment of Police Powers and Responsibilities Act 2000

Act amended

Clause 3 provides that this part amends the PPR Act.

Amendment of s 30 (Prescribed circumstances for searching persons without warrant)

Clause 4 amends the PPR Act to prescribe that a person can be searched without a warrant in relation to evidence of commission of an offence about sale of an EPAC, PMD or vehicle that cannot be registered for road use without conditions to an under 16-year-old.

Amendment of s 32 (Prescribed circumstances for searching vehicle without warrant)

Clause 5 amends the PPR Act to prescribe that a vehicle can be searched without a warrant in relation to evidence of commission of an offence about sale of an EPAC, PMD or vehicle that cannot be registered for road use without conditions to an under 16-year-old.

Insertion of new s 43AA

Clause 6 inserts a new provision in the PPR Act to support enforcement of new offences in the SO Act about selling controlled vehicles to children under 16. The provision enables police officers to request evidence of age from a person that the officer observes purchasing a thing reasonably suspected to be a controlled vehicle or from a person that the officer reasonably suspects has just purchased a controlled vehicle. In addition to request evidence of age in these circumstances, the police officer may require the person to show them the vehicle they purchased.

The provision also provides a power to seize the vehicle if the police officer reasonably suspects the vehicle is evidence of an offence under the relevant provisions of the SO Act and the person does not show acceptable evidence of age or the evidence of age shows that the person is under 16.

Without an express power for police to verify age at or immediately after the point of purchase, the offences in the SO Act would be difficult to detect and enforce in practice. The provision ensures police can intervene at the critical moment when a suspected unlawful sale has occurred or is occurring. The additional power to require the person to show the vehicle they purchased supports the age-verification function by supporting police in their investigations into confirming whether the item purchased is in fact a “controlled vehicle” within the meaning of the SO Act and preventing evasion of enforcement through concealment or disposal of the vehicle immediately after purchase. Similarly, the seizure power is intended to preserve evidence of an offence and also prevent unlawful use of a controlled vehicle by a child under 16.

Amendment of s 52 (Prevention of offences—general)

Clause 7 amends section 52 of the PPR Act to modernise the wording of the example heading and to insert an additional example illustrating the operation of the section in the context of unlawful e-mobility device use.

The amendment updates the heading under the existing examples to read “*Examples of preventing the continuation*”, ensuring clearer alignment with the language of section 52.

The clause also inserts a new example confirming that a police officer may take possession of an e-mobility device from a child who is unlawfully riding the device, to prevent the continuation of the offence once the officer leaves the vicinity. The example explains that the device will later be returned to the child’s parent or another responsible adult.

The new example does not alter the scope of section 52. Instead, it clarifies how the existing general prevention power applies in contemporary operational contexts, particularly those involving unlawful riding of e-mobility devices by children.

Insertion of new ch 4A

Clause 8 inserts new Chapter 4A (Removal and destruction powers for prohibited bikes on roads or in public places) into the PPR Act. New Chapter 4A establishes a comprehensive administrative framework for the seizure, return, forfeiture and disposal of prohibited bikes that are ridden, or reasonably suspected of having been ridden, on a road, road-related area or in a public place.

Part 1 (Preliminary)

New section 123A (Definitions for ch 4A) sets out key terms necessary for the operation of the Chapter. These include several time-based definitions that structure the release application and internal review processes:

- “standard release application period” – the 30-day period within which a person claiming to be an owner may apply for the release of a seized vehicle
 - “extended release application period” – an extension of up to 30 additional days that may be granted by the Police Commissioner under section 123G(4) where reasonable in the interests of justice
 - “standard review period” – the 28-day period within which an internal review of a refusal decision (the original decision) may be sought
 - “extended review period” – an extension of up to 28 days that may be granted by the reviewer
-

under section 123L(4).

Section 123A also defines important terms such as “release application”, “original decision”, “internal review”, “review period”, “seizure notice” and “shared e-mobility provider”.

The section also defines:

- “release application,” meaning an application for the return of a seized vehicle under section 123G, and
- “prohibited bike”, by reference to the definition in section 6 of the TORUM Act, ensuring consistent operation between the seizure framework in the PPR Act and the substantive offence provisions in the TORUM Act.

New section 123B clarifies that nothing in Chapter 4A affects the rights of a credit providers rights repossess and sell a vehicle under the National Credit Code. The provision ensures that the new administrative seizure, forfeiture and disposal scheme for prohibited bikes operates alongside, rather than in conflict with, existing credit and security arrangements. Where a vehicle is subject to a credit contract or security interest regulated under the National Credit Code, the credit provider’s rights to recover or deal with the property remain unaffected.

Part 2 (Seizing prohibited bikes)

New section 123C (Seizure of prohibited bike on road, on road-related area or in public place) establishes the core power under which a police officer may seize a vehicle reasonably suspected to be a prohibited bike. The power may be exercised where the officer reasonably suspects both that the vehicle is a prohibited bike and that it is being ridden, or has been ridden, on a road, road-related area or in a public place.

The officer does not need to witness the riding. A reasonable suspicion may be formed based on observable circumstances, for example, where a suspected prohibited bike is found chained or parked in a public place in a way indicating it must have been unlawfully ridden to that location. An example is included in the section illustrating this scenario.

New section 123D (Particular powers for seizing prohibited bike—attended seizure) sets out the seizure powers available when a person is found riding or in possession of the vehicle (referred to as an “attended seizure”). These include powers to stop the vehicle, require the person to remain at a place, obtain any key or code necessary to move the vehicle, remove chains or locks, require the person’s identifying particulars and take any action reasonably necessary to effect the seizure. After seizure, the officer may move the vehicle, or arrange for the vehicle to be moved by a government agency or third party, to a holding yard or storage facility.

New section 123E (Particular powers for seizing prohibited bike—unattended seizure) applies where the vehicle is unattended (referred to an “unattended seizure”). A police officer may remove locks, chains or any item securing the vehicle and may take any reasonable steps to seize it. The officer may then move the vehicle, or arrange for the vehicle to be moved by a government agency or third party, to a holding yard or storage facility.

New section 123F (Steps after seizing prohibited bike) prescribes the steps that must be taken following seizure. For attended seizures, the police officer must ensure the person who was riding or in possession of the vehicle is personally served with a seizure notice. For unattended seizures, the officer must publish a seizure notice on the police service website, unless the officer

reasonably believes the vehicle is abandoned. If the police officer reasonably suspects the vehicle belongs to a shared e-mobility provider, a seizure notice must also be served on the shared e-mobility provider, regardless of whether the seizure was attended or unattended. A seizure notice must be served or published as soon as practicable and no later than 7 days after the day the vehicle is seized. These requirements ensure that riders, owners and shared e-mobility providers are informed of the seizure and of the statutory process for seeking the vehicle's return.

Part 3 Application for release of vehicle

New section 123G (Release application) establishes the process by which a person may apply for the release (return) of a seized vehicle. A release application may be made by a person who claims to be an owner (including joint or part-owner) of the vehicle described in the seizure notice.

A release application must:

- be in the approved form,
- be made within the standard release application period (30 days from the day of seizure), unless the period is extended, and
- contain information establishing:
 - that the applicant is an owner of the vehicle, and
 - the grounds on which the vehicle should be released.

An example of information that may establish grounds for release is included in the section, such as CCTV footage showing that the vehicle was brought to the public place lawfully and was not ridden on a road, road-related area or in the public place.

The Police Commissioner may, before the end of the standard release application period, extend the period for making a release application by up to 30 days, if satisfied that an extension is reasonable in the interests of justice. This ensures the process remains fair while preserving the integrity of the administrative framework.

New section 123H (Deciding application) sets out the Police Commissioner's obligations when deciding a release application. The Commissioner must decide the application within 28 days of receiving it and must either release the vehicle or refuse to release it.

A vehicle must be released if the Commissioner is satisfied that the applicant is an owner of the vehicle and that one of the following statutory grounds is met:

- (a) the vehicle is registered and may lawfully be used in a public place,
- (b) the vehicle is not a prohibited bike,
- (c) the applicant was not responsible for, and did not authorise, the suspected riding of the vehicle on a road, road-related area or in a public place, or
- (d) the vehicle was not ridden on a road, road-related area or in a public place.

If the Commissioner decides to release the vehicle, the applicant must be given a written release notice, stating:

- that the release application is granted,
- where and when the vehicle may be collected, and
- that if the vehicle is not collected within 30 days of the date of the release notice, it will be forfeited to the State and may be disposed of.

If the Commissioner refuses the application, the Commissioner must give the applicant an

information notice, stating:

- that the release application is refused,
- the reasons for the decision, including whether refusal is due to lack of ownership or failure to establish a ground for release,
- that the applicant may apply for internal review within the review period and the requirements for applying.

Part 4 (Review of decisions)

New section 123I (Definitions for part) inserts definitions for terms used in Part 4 (Review of decisions). Part 4 sets out the framework for internal review of an original decision (a refusal decision on a release application) and, following an internal review, external review by the Queensland Civil and Administrative Tribunal (QCAT).

New section 123J (Review process must start with internal review) requires internal review to occur before a person can apply to QCAT for review.

New section 123K (Who may apply for internal review) provides that an affected person for an original decision may apply to the Police Commissioner for an internal review of that decision. An affected person may also request an information notice for the original decision if they have not been given one. A failure by the Commissioner to give the person an information notice does not limit or otherwise affect the person's right to apply for internal review.

New section 123L (Requirements for application) states particular requirements for an application for internal review of an original decision.

An internal review application must:

- be in the approved form,
- if the affected person has been given an information notice for the original decision, include enough information to enable the reviewer to decide the application, and
- be made to the Police Commissioner within 28 days after the applicant is given an information notice for the refusal decision or, if no information notice was given, within 28 days of the person becoming aware of the refusal decision.

The Commissioner may also extend the period for making an internal review application by up to 28 days.

New section 123M (Internal review) sets out the process the Police Commissioner must follow when deciding an application for internal review of a refusal decision.

The Commissioner must, within 20 days after receiving an internal review application:

- review the original decision and either:
 - confirm the original decision, or
 - substitute another decision for the original decision, and
- give the affected person a QCAT information notice for the internal review decision.

Before the end of the 20-day period, the Commissioner and the affected person may agree to extend the period for deciding the application.

The internal review decision must be made by a person who did not make the original decision and holds a rank equivalent to or higher than the person who made the original decision. (This requirement does not apply if the Commissioner personally made the original decision).

If the Commissioner does not give the affected person a QCAT information notice within the required period (or agreed extended period), the Commissioner is taken to have confirmed the original decision.

If the Commissioner substitutes a decision to release the vehicle, the Commissioner must also give the affected person a release notice.

New section 123N (Applying for external review) sets out the process for an affected person to seek external review of an internal review decision. This section applies to a person who must be given a QCAT information notice for an internal review decision. The person may apply to QCAT for a review of that internal review decision, as provided for under the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act). The provision establishes that external review is available only after an internal review decision has been made (or taken to have been made) and that the application must be made directly to QCAT in accordance with the procedural requirements of the QCAT Act.

Section 123O (Notice of external review application) requires a person who applies to QCAT for external review of an internal review decision to give notice of the application to the Police Commissioner.

The applicant must provide this notice within 7 days after filing the application in the QCAT registry, and the notice must be given in the approved form. This ensures the Commissioner is promptly informed that an external review has commenced and allows any necessary administrative arrangements to be made.

Part 5 (Forfeiture and disposal of prohibited bikes)

New section 123P (Forfeiture of prohibited bikes) sets out the circumstances in which a seized vehicle becomes forfeited to the State (each a “forfeiture event”). The section applies where a vehicle has been seized under section 123C, and one of the following events occurs:

- the release application period ends and no release application has been made,
- each release application for the vehicle has been refused and no internal review is sought within the review period,
- each internal review decision has confirmed the original decision and no external review is sought within the timeframe allowed under the QCAT Act (under section 33(3) of the QCAT Act, an application for external review must be made within 28 days after the person is given the QCAT information notice),
- each external review application results in confirmation of the internal review decision or is withdrawn or struck out, or
- a person who has been issued with a release notice fails to collect the vehicle within 30 days after the date of that notice.

Upon the occurrence of a forfeiture event, forfeiture happens automatically by operation of law. The Police Commissioner must then issue a forfeiture notice which states:

- the owner’s name and address (if known)

- any identifying particulars of the vehicle
- the date, time and place of seizure
- that the release-application and review periods have ended
- that the vehicle is forfeited to the State
- that the Commissioner may destroy or otherwise dispose of the vehicle.

The method of service varies depending on whether the vehicle was seized during an attended seizure, an unattended seizure, or as part of a shared e-mobility scheme. This ensures appropriate notice is given to individuals or operators potentially affected by the forfeiture.

New section 123Q (Disposal of prohibited bikes) confers a broad discretion on the Police Commissioner to dispose of a vehicle forfeited under Part 4 in any way the Commissioner considers appropriate. Disposal may include destroying the vehicle, or if satisfied the vehicle is not a prohibited bike or is eligible to be registered, selling the vehicle. This ensures that unlawful or unsafe devices cannot re-enter circulation.

Subsection (2) provides that the Commissioner may arrange for the disposal of a vehicle to be carried out by a government agency or third party.

New section 123R (Application of proceeds of sale) prescribes the order in which the sale proceeds must be applied:

- (a) expenses of sale
- (b) other reasonable costs incurred by the State in dealing with the vehicle, including seizure, removal, storage and the issuing of notices
- (c) any amounts owing under a registered security interest
- (d) any remaining balance to the consolidated fund.

New section 123S (Liability for costs) enables the State to recover any outstanding costs associated with dealing with and disposing of a forfeited vehicle where the sale proceeds or other recovery avenues do not fully cover the amount. The Commissioner may issue a costs notice to the owner or rider identified at the time of seizure, requiring payment within 30 days. Any unpaid amount is recoverable as a debt due to the State. This ensures enforcement costs fall on those responsible for the unlawful use of prohibited bikes rather than the broader community.

Part 6 (General)

New section 123T (Limitation of review) provides that a decision made under Chapter 4A is final and conclusive, and, unless affected by jurisdictional error, cannot be challenged, appealed, reviewed, quashed or set aside under the *Judicial Review Act 1991* or otherwise. The section further provides that such a decision is not subject to declaratory, injunctive or other orders of any court, tribunal or entity. For these purposes, “decision” includes both the decision itself and any conduct forming part of the decision-making process.

The policy intent is to ensure administrative finality and avoid parallel or protracted litigation outside the statutory review pathway established under Chapter 4A. The release application, internal review and external QCAT review processes together provide a complete merits review framework, and section 123T clarifies that these are the intended mechanisms for dispute resolution. At the same time, the section preserves the Supreme Court’s jurisdiction to intervene only in cases of jurisdictional error, maintaining appropriate legal oversight without undermining

the timely and efficient operation of the seizure, forfeiture and disposal scheme.

New section 123U (Evidentiary provision) establishes a streamlined evidentiary mechanism to support proceedings involving actions taken under Chapter 4A. The section provides that a certificate signed by the Police Commissioner stating specified matters, such as that a seizure notice was given or published, that a release application or internal review application was considered in a stated way and on a stated day, or that a vehicle was forfeited or disposed of under the relevant provisions, is evidence of the matters stated.

The section also sets out procedural safeguards for criminal proceedings, including requirements for the prosecuting authority to give a copy of the certificate to the defendant at least 20 business days before the hearing, and for the defendant to give notice at least 15 business days before the hearing if they intend to challenge any matter stated in the certificate. If notice is given, the certificate ceases to be evidence of the challenged matter.

New section 123V (Protection from liability) sets out the civil liability protections that apply to police officers and officers of government agencies when carrying out functions under Chapter 4A in relation to the seizure, removal and storage of vehicles.

Subsection (1) provides that a police officer acting in good faith and without negligence is not personally liable for any damage, loss or depreciation to a vehicle that occurs during its seizure, removal or storage. The protection recognises that officers exercising statutory impoundment and removal powers frequently act in dynamic, time-critical environments, and should not be exposed to personal civil liability where they have acted appropriately and with due care.

Subsection (2) extends corresponding protection to an officer of a government agency who removes or stores a vehicle under chapter 4A. This ensures consistent treatment between police officers and other authorised officers who undertake vehicle-handling functions as part of the same statutory scheme.

Subsection (3) clarifies that where subsections (1) or (2) operate to prevent civil liability attaching to an individual officer, liability instead attaches to the State. This upholds the principle that persons affected by government action should continue to have access to compensation where negligence is proven, while ensuring that individual officers are not personally exposed when acting properly within their statutory authority.

Subsection (4) provides that the State is not liable for any damage, loss or depreciation to a vehicle occurring during removal or storage where an officer, acting in good faith and without negligence, arranged for a third party to carry out the work. This removes uncertainty about the State's responsibility where officers appropriately rely on contracted towing or storage providers. The provision ensures that liability does not shift to the State in circumstances where an officer has acted reasonably and without fault.

New section 123W (Protection for persons exercising power under ch 4A) provides additional civil liability protections for persons who exercise, or assist in exercising, seizure, removal and storage powers under chapter 4A.

Subsection (1) identifies the types of proceedings covered by this provision, namely, proceedings relating to liability for breach of duty where damage to a vehicle occurs during the exercise of seizure-related powers. The protection applies both to the person directly exercising the power

and to any person assisting them.

Subsection (2) provides that such a person is not civilly liable in two defined circumstances:

- (a) The person is not liable merely because they gave paramount or high priority to moving the vehicle off a road, road-related area or public place quickly. This recognises that rapid removal is often required to manage safety risks or prevent obstruction, and that prioritising speed in these circumstances should not, by itself, expose the officer to liability.
- (b) The person is not liable to the extent that the nature of the statutory power inherently carries an increased likelihood of damage to the vehicle—for example, where manoeuvring a damaged, unstable or immobilised bike presents unavoidable risks. The provision acknowledges that seizure and removal powers necessarily involve a degree of physical intervention that may increase the risk of incidental damage.

These protections ensure that officers and authorised persons can exercise their statutory responsibilities confidently and decisively in situations that often require urgent and practical action, while maintaining accountability for conduct that falls outside good faith and non-negligent performance.

Amendment of s 686 (Application of pt 3)

Clause 9 amends section 686 so that Chapter 21, Part 3 of the PPR Act (Dealing with things in the possession of police service) does not apply to a thing seized under new section 123C inserted by this Bill. Chapter 21, Part 3 of the PPR Act contains general provisions about the handling and return of seized property. The amendment ensures that these general rules do not apply to prohibited bikes seized under new Chapter 4A, which establishes a self-contained and purpose-built framework governing their seizure, release, review, forfeiture and disposal of prohibited bikes.

Amendment of s 747 (Definitions for chapter)

Clause 10 inserts definitions for EPAC and PMD as a consequence of amendments to section 754.

Amendment of s 754 (Evasion offence)

Clause 11 amends section 754 of the PPR Act so that the existing evasion offence extends to PMDs and EPACs. This will make it an offence if a police officer using a police service motor vehicle gives the rider of a PMD or EPAC a lawful direction to stop the PMD or EPAC and the rider does not stop the vehicle as soon as reasonably practicable (unless a reasonable person in the position of the rider would not have stopped in the circumstances).

It is noted that there are other existing offences that apply to riders of PMDs and EPACs that fail to stop (for example, section 60 of the PPR Act) and these will continue to apply.

While extending section 754 to apply to evasion by the rider of a PMD or EPAC will have the effect of making these evasion offences a “type 1 vehicle related offence”, there is no intent for other provisions of the PPR Act that apply to type 1 vehicle related offences to also apply to evasion offences committed by the rider of a PMD or EPAC.

Amendment of s 755 (When type 1 vehicle related offence notice may be given to owner of motor vehicle involved in offence)

Clause 12 makes an amendment to section 755 to clarify the operation of this provision as a consequence of amendments to section 754. The amendment puts beyond doubt that this section is only related to offences involving motor vehicles and not, for example, evasion offences committed by PMD and EPAC riders.

Amendment of sch 6 (Dictionary)

Clause 13 amends Schedule 6 of the PPR Act (Dictionary) to insert the defined terms used in new Chapter 4A, including cross-references to the relevant provisions in which each term is defined.

Part 3 Amendment of State Penalties Enforcement Act 1999

Act amended

Clause 14 states that the Act amends the SPE Act.

Amendment of s 5 (Act has limited application to children)

Clause 15 amends section 5 of the SPE Act to expand full coverage of the SPE Act to 16 and 17-year-old children for certain vehicle-related prescribed offences. This enables unpaid fines for road safety related offences committed by 16 and 17-year-olds to be enforced and reflected on their traffic history, supporting safer long-term driving behaviour.

Insertion of new pt 10, div 11

Clause 16 inserts a new section 199 which is a transitional provision providing that the new section 5 expansion of the SPE Act only applies in relation to an offence committed after the commencement.

Part 4 Amendment of State Penalties Enforcement Regulation 2014

Regulation amended

Clause 17 states that the Act amends the SPE Regulation.

Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Clause 18 amends the SPE Regulation to increase the penalty units for a number of offences related to riding e-mobility devices and bicycles and to insert additional offences as infringement notice offences. This includes, but is not limited to, amendments to:

- prescribe new offences under the SO Act (including offences related to selling a controlled vehicle to a child under failure to display prohibition signs where controlled vehicles are being sold) as infringement notice offences
 - prescribe the new offence of failing to comply with a requirement to submit a device for
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testing on an approved testing device (section 34A of the TORUM Act) as an infringement notice offence

- prescribe the new offences, applying to e-mobility providers, of failing to comply with a requirement to provide information about the last known rider (section 48AA of the TORUM Act) and failing to ensure a user is over 16 and holds a valid licence (section 78C of the TORUM Act) as infringement notice offences
- prescribe the new offence of driving an EPAC or PMD when under the age of 16 or without a valid licence (section 78B of the TORUM Act) as an infringement notice offence
- prescribes the new low range and mid-range drink riding offences for PMD and bicycles (section 79(2AAA) and (2AAB) of the TORUM Act), as well as the new offence for riding a PMD or bicycle while under an 8-hour prohibition (section 80(22DA) of the TORUM Act), as infringement notice offences
- prescribe the existing offences of dangerous driving of a bicycle or PMD under section 84 or 84AA of the TORUM Act as infringement notice offences, only in circumstances where the contravention does not cause death or grievous bodily harm
- prescribe the new offences relating to false and misleading labelling of EPACs (section 84C(1) and (2) of the TORUM Act) as infringement notice offences
- increase the penalty unit for infringement notice offences for particular offences in the Queensland Road Rules for failing to wear a helmet
- prescribe the new offence related to parking e-mobility devices (section 253A of the Queensland Road Rules) as an infringement notice offence
- increase the penalty unit for the offence of riding a PMD on a road with a speed limit more than 60 km/h (section 252B of the Queensland Road Rules) from 1½ penalty units to 3 penalty units to increase deterrence and ensure consistency with comparable offences of carrying passengers and failing to wear a helmet.

Part 5 Amendment of Summary Offences Act 2005

Act amended

Clause 19 states that the Act amends the SO Act.

Insertion of new s 19AA

Clause 20 inserts a new section 19AA to provide definitions for Division 4A (Offences associated with hooning offences). The definitions for “burn out”, and “speed trial” are being relocated from other parts of the SO Act. Inclusion of the new definition of “vehicle” for the Division supports expansion of provisions in the SO Act to EPACs and PMDs.

Amendment of s 19B (Meaning of racing, burn out or other hooning offence)

Clause 21 amends section 19B of the SO Act to broaden the offences to which Division 4A applies so that it includes a range of offences which can be committed in relation to an EPAC or PMD.

Amendment of s 19C (Unlawful conduct associated with commission of racing, burn out or other hooning offence)

Clause 22 amends section 19C to omit ‘motor’ wherever ‘motor vehicle’ is used. This allows the provision to cover EPACs and PMDs.

Amendment of s 19D (Possession of things used in commission of racing, burn out or other hooning offence)

Clause 23 amends section 19C to omit ‘motor’ wherever ‘motor vehicle’ is used. This allows the provision to cover EPACs and PMDs.

Amendment of s 19I (Sale by employees of controlled items to minors)

Clause 24 corrects a subsection reference in section 19I.

Insertion of new pt 2, div 4C

Clause 25 inserts a new Part 2, Division 4C into the SO Act to provide offences about selling ‘controlled vehicles’ to children under 16.

Section 19O establishes definitions for the new Division 4C. Importantly, the combination of the definitions ‘controlled vehicles’ and ‘exempt motorbike’ apply together so that only a motorbike that cannot be registered for road use without conditions, along with EPACs and PMDs are covered by the division.

Section 19P establishes that ‘sell’ takes its meaning from the dictionary but makes it clear that a person does not sell a controlled vehicle to a child under 16 merely by exposing it for sale to the public generally.

Section 19Q makes it an offence for a person to sell a controlled vehicle to a child under 16 years of age and provides escalating penalties for first, second and subsequent offences. The offence does not apply to an employee who sells a controlled vehicle in the course of their employment, as that is covered by the offence in section 19S. A defence is provided to cover where a person relies on false evidence of age and there was no reason to believe it was false.

Section 19R provides that a commercial seller must instruct their employees not to sell to a child under 16 years and that they must check for acceptable evidence of age. It provides that the commercial seller must warn the employee that it is an offence if they do not do these things and obtain written acknowledgement by the employee that they received the instruction and warning.

Section 19S provides that if an employee has been given the instructions and warnings covered in section 19R, they commit an offence if they sell a controlled vehicle to an under 16-year-old, with an escalating penalty for a second or later offence. A defence is provided to cover where a person relies on false evidence of age and there was no reason to believe it was false.

Section 19T provides that a person does not discriminate against another person on the basis of age under the *Anti-Discrimination Act 1991* for refusing to sell to another person because of sections 19Q or 19S.

Section 19U provides that commercial sellers must display prohibition signs where a controlled vehicle is sold, be it at a physical location or online.

Amendment of sch 2 (Dictionary)

Clause 26 inserts definitions for terms used in the new provisions inserted by the Bill.

Part 6 Amendment of Transport Operations (Road Use Management) Act 1995

Act amended

Clause 27 states that this part amends the TORUM Act.

Insertion of ch 1, pt 1, hdg

Clause 28 inserts a new Part 1 into Chapter 1 of the TORUM Act titled “Preliminary”.

Renumbering and relocation of s 6 (Act binds everyone, including government entities)

Clause 29 renumbers and relocates existing section 6 (Act binds everyone, including government entities), as section 5A in Part 1 of Chapter 1. This change is a structural amendment only and does not alter the operation or effect of the provision.

Insertion of ch 1, pt 2, hdg

Clause 30 inserts a new Part 2 into Chapter 1 of the TORUM Act titled “Interpretation”.

Insertion of new s 6

Clause 31 inserts new section 6, which establishes a definition of “prohibited bike” for the purposes of the Act. New section 6 identifies the categories of vehicles that are prohibited bikes, including:

- non-compliant EPACs, being devices that resemble EPACs but do not meet all elements of the EPAC definition
- non-compliant PMDs, being devices that resemble PMDs but do not meet the prescribed PMD requirements
- motorised two- or three-wheeled vehicles that are propelled by an electric motor or internal-combustion engine and are either not eligible for registration or eligible but not registered.

In essence, the definition captures:

- vehicles which resemble EPACs or PMDs, but do not meet the statutory definitions, typically because they are fitted with high-powered or high-speed motors that exceed regulated limits (250 watts and 25km/h) or can be throttle-controlled above 6km/h,
 - electric motorbikes that exceed lawful thresholds for speed capability, motor output or configuration and therefore fall outside the EPAC and PMD categories,
 - petrol-powered or electric motorbikes that do not meet Australian Design Standards and are therefore illegal for use on roads and in public places, and
 - motorbikes that are capable of registration but are being used while unregistered.
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These classes reflect the types of devices most commonly used in dangerous or anti-social ways in public places, generating significant community concern, and presenting the highest safety risk in public places. By linking the definition to whether a device is registrable or compliant with the EPAC or PMD definitions, the section provides a clear, objective, device-based mechanism for determining whether a vehicle falls within the prohibited bike framework.

Subsection (2) specifies categories of devices that are not prohibited bikes, namely compliant PMDs, compliant EPACs, low powered toy scooters and motorised mobility devices, ensuring the definition does not capture low-risk or mobility-related devices that remain lawful for public use.

The definition in section 6 supports the operation of the new offence for riding a prohibited bike and underpins related enforcement mechanisms, including evidentiary aids, testing powers and the new seizure and disposal powers in the PPR Act. It provides a clear legislative boundary between compliant, low-risk devices and high-risk non-compliant devices that should not be used on roads, road-related areas or in public places.

Insertion of new s 34A

Clause 32 inserts new section 34A, which authorises an authorised officer to require a person in possession of a particular vehicle to submit it for testing on an approved testing device. The power applies to:

- vehicles that are, or resemble, an EPAC or PMD
- vehicles that a user claims are an EPAC or PMD
- vehicles an authorised officer reasonably suspects are prohibited bikes.

The power may be exercised if the vehicle is being ridden or is otherwise in the possession of a person on a road, road-related area or in a public place, or if the vehicle has been seized under Chapter 4A of the PPR Act.

Under the section, an authorised officer may require the rider or other person in possession of the vehicle to:

- place, or allow the officer to place, the vehicle on an approved testing device
- allow the vehicle to be transported for testing
- do anything reasonably necessary to enable the test to be carried out, such as enabling electronic communication between the vehicle and the testing device.

The section also clarifies the application of the power by defining “person in possession” and ensuring it covers vehicles being ridden, held, pushed, pulled or otherwise operated.

Section 34A provides the operational mechanism for determining whether a vehicle meets the definition of an EPAC or PMD, or whether it is a prohibited bike, enabling authorised officers to classify vehicles accurately for enforcement purposes.

Insertion of new s 48AA

Clause 33 inserts a new power for authorised officers (authorised police officers and local government officers) to request information from the operators of shared e-mobility devices about the last known rider of devices. The power may only be exercised where the authorised officer reasonably suspects an offence relating to parking an e-mobility device. This power is required to

provide for effective enforcement of the new offence in the Bill for parking e-mobility devices, as well as other existing parking-related offences for e-mobility devices (for example, section 168 and 198 of the QRR), when the rider of a shared e-mobility device is not observed committing the offence.

The amendments provide that it is an offence for an operator to fail to provide the requested information. The maximum penalty prescribed reflects the seriousness of failing to provide information critical to enforcement. If the operator has a reasonable excuse for not providing the information, such as that their systems do not collect the type of information requested, no offence is committed. Additionally, if providing the information would incriminate the operator, the operator is not required to provide the requested information. This would not, however, have the effect that the operator does not need to provide requested information related to an employee and the trip of an employee where the employee was the last known rider.

The information that may be requested relates to information that may be relevant to determining whether an e-mobility parking offence has been committed and who committed the offence. Given that shared devices can be moved, including pushed over, after a rider has completed their trip, the new provision enables information to be obtained from the operator which can provide insight into this matter. This includes the photograph that operators typically require users to submit at the end of the trip showing the parked device. Photographs at trip end will generally show the device's final position, its orientation relative to the path and surrounding features (kerbs, footpath features such as unique cracks, vegetation, building lines). These photographs may provide contemporaneous evidence that the device was parked in a compliant manner at the time control passed from the last rider. Metadata from the photograph may be used to prove that the photograph was taken at the trip end and at the place where the device was parked by the rider.

Operators may also be required to provide telemetry information that may provide useful evidence of whether the device was moved between the time it was parked and the time the authorised officer found the device. Operators typically use telematics to track the movement of their vehicles, helping to prevent theft and unauthorised use, so it is generally already information that providers collect. Where the recorded end-point differs materially from the location at which the device was later found according to the telemetry information for the device, this would support an inference that the device was moved after parking. The officer will also review the details of the exact date and time the trip ended and the duration between trip end and the device being found. A significant time gap may increase the likelihood of third-party movement or displacement by some event (for example, weather).

The power to request information applies only to commercial e-mobility providers operating within a regulated shared scheme (as per the definition of shared e-mobility provider inserted in schedule 4). These providers offer e-mobility devices for hire to the general public as part of a business model that is expressly authorised, regulated and subject to conditions imposed by a local government. The power does not extend to all entities that may own or make available e-mobility devices. In particular, it does not apply to businesses or organisations that provide e-mobility devices incidentally or gratuitously as part of another primary activity, and not as a commercial shared e-mobility service. The power does not apply to, for example, hotels, tour operators and employers that make e-mobility devices available for staff use within a workplace.

Insertion of new ss 78B–78D

Clause 34 inserts new sections related to driving an EPAC or PMD without a licence, requirements

for e-mobility providers to ensure users are over 16 and hold a licence, and liability of parents for particular offences committed by e-mobility users under 16.

Section 78B (Riding electrically power-assisted cycle or personal mobility device without valid licence prohibited) makes it an offence for a person to ride an EPAC or PMD on a road, road-related area or in a public place unless the person is at least 16 years and holds either a valid Queensland driver licence or a valid non-Queensland driver licence. Valid means a licence that is not expired, cancelled or suspended.

Section 78C (Requirement for e-mobility providers to ensure user is over 16 years and holds valid licence) requires that an e-mobility provider, which is a person who provides EPACs or PMDs for loan or hire, take reasonable steps to ensure each user is meets the age and licence requirements established in section 78B. A defence is provided where a user has made a false declaration and it was reasonable in the circumstances for the provider to rely on the declaration.

Section 78D (Liability of parent—particular offences committed by child under 16) provides that a parent commits an offence if their child under 16 years rides an EPAC, PMD or prohibited bike on a road, road-related area or in a public place in contravention of section 78B (riding underage without a licence) or section 84B (riding a prohibited bike). The intent of the provision is to place responsibility on parents to prevent children under 16 from riding these devices in public environments where they pose safety risks. It is not aimed at punishing parents for a child's independent or unforeseeable behaviour. Rather, it is designed to ensure parents take reasonable steps in advance to prevent reasonably foreseeable misuse. The provision recognises that children rarely have access to these devices without adult involvement and aims to prevent parental conduct that facilitates, enables or turns a blind eye to obvious risks.

The section is intended to apply broadly to circumstances where a parent authorises, enables, encourages or fails to prevent the child's unlawful use of a relevant vehicle. Examples of conduct illustrating when a parent may be taken to have allowed a child to ride a relevant vehicle include:

- authorising or permitting the child to ride the device (for example, telling the child they may ride it)
- enabling or encouraging the child to ride the device, including by providing or facilitating access (for example, buying the device as a gift, giving the child money to purchase the device, buying a device for the child to ride to school, hiring a device for the child to use in public or creating an account or arrangement that allows the child to access hired devices)
- failing to take reasonably practicable steps to prevent the child accessing or using the device (for example, leaving the device in an easily accessible place where it is reasonably foreseeable the child may use it, failing to appropriately secure a device when the child could reasonably be expected to access and use it).

These examples demonstrate the practical operation of the section and reflect the real-world scenarios the offence is intended to address. They show that the offence is directed at parental conduct that facilitates or fails to prevent unlawful riding, rather than incidental or unforeseeable conduct by the child.

Subsection (2) establishes a mechanism for a parent to avoid liability. It is a defence for a parent to prove that:

- (a) they did not know, and could not reasonably have been expected to know, of the child's conduct, or
 - (b) they took all reasonable steps to ensure the child did not engage in it.
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The subsection is drafted in reverse-onus form. The parent must establish the defence on the balance of probabilities. Once the parent discharges this legal onus, the burden then shifts to the prosecution, which must prove the contrary beyond reasonable doubt. This safeguard ensures the offence does not apply where a parent has taken proper steps to supervise the child and the child's actions were genuinely outside the parent's knowledge or control. It preserves the intended policy balance, encouraging responsible supervision while avoiding unfair liability.

Subsection (3) requires a court, when deciding whether a parent took "all reasonable steps" for the purposes of subsection (2)(b), to have regard to whether the parent was in a position to influence the child's conduct in relation to the offence.

Subsection (4) clarifies that a parent may be proceeded against and convicted regardless of whether the child has been proceeded against or convicted of the underlying offence. This ensures enforcement is not dependent on taking action against the child and avoids duplicative or unnecessary proceedings.

Subsections (5) and (6) provide evidentiary support for practical enforcement. Subsection (5) allows a police officer's reasonable belief that a person is the child's parent to be accepted as evidence of that fact unless the contrary is proved. Subsection (6) clarifies that such a belief may be formed after reasonable enquiries of the child and the person believed to be the parent when the officer finds the child riding, or shortly after the child is found riding, the relevant vehicle. Together, these subsections enable officers to make timely enforcement decisions based on reasonable enquiries at the scene, without imposing an excessive investigative burden.

Subsection (7) makes clear that the parental liability does not affect the liability of the child for the underlying offence, nor the liability of any other person under the Criminal Code in relation to the child's conduct.

Subsection (8) sets out the definition of "parent" for the purpose of the section. A "parent" includes the child's mother, father or another adult who has, or exercises, parental responsibility for the child on an ongoing basis. This may include, for example, a step-parent, legal guardian, grandparent or other relative who has been given parental responsibility through a court order, will or other enduring arrangement. The definition intentionally excludes adults who are caring for the child only on a temporary or informal basis, such as a family friend or grandparent during a sleepover, and approved carers such as foster carers, kinship carers and residential care workers in group homes. The intention is to ensure that liability attaches only to adults with enduring, recognised parental responsibility and the practical ability to influence the child's behaviour, without imposing undue burdens on temporary, short-term or statutory carers.

Amendment of s 79 (Vehicle offences involving liquor or other drugs)

Clause 35 amends section 79 to create additional offences, and expand existing offences, for drink and drug riding involving bicycles (including e-bikes) and PMDs.

For drink riding, the amendments include new offences for low range and mid-range drink riding for persons aged 16 and over riding a bicycle or PMD. The amendments also broaden the existing offence for 'driving under the influence'. Under section 79(7), it is already an offence for PMD and bicycle riders to drive under the influence on a road. The amendments broaden this offence so it is also an offence to ride under the influence on a road-related area (e.g. footpath or shoulder of a road) or public place. The expanded offence is separated from the existing under the influence

offence in section 79(7) to create a new standalone offence just for PMDs and bicycles and section 79(7) is amended so it no longer applies to PMDs and bicycles. A new provision is also inserted in section 79 so that a person riding a PMD or bicycle that is over the high alcohol limit is deemed to be under the influence. This creates consistency with the drink driving provisions for motor vehicles (see section 79(3)).

This means it is an offence for a person over 16 to ride a PMD or bicycle on a road, road-related area or public place while they are:

- over the general alcohol limit but not over the middle alcohol limit (0.050-0.099 breath alcohol concentration)
- over the middle alcohol limit but not over the high alcohol limit (0.10-0.149 breath alcohol concentration)
- over the high alcohol limit (0.15 or higher breath alcohol limit).

The new low range and mid-range offences will apply to a person ‘riding’ a PMD or bicycle. The term ‘riding’ excludes passengers and persons pushing or pulling the PMD or bicycle. The low range and mid-range offences only apply to riding and are not intended to apply to a person in charge of, or attempting to put in motion, a PMD or bicycle. In comparison, the offence of riding a PMD or bicycle under the influence will continue to apply to a person that is in charge of, or attempting to put in motion, a PMD or bicycle (which could include a person that pushes or pulls a PMD or bicycle).

The maximum penalty prescribed for the new low range and mid-range offences align with low range and mid-range offences for motor vehicles, except that there is no potential for imprisonment for the PMD and bicycle low range and mid-range offences. It is noted that the penalty units for the motor vehicle offences are due to increase under amendments in the *Queensland Community Safety Act 2024* and that the penalty units for the PMD and bicycle offences reflect those increased penalty unit amounts.

Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)

Clause 36 amends section 80 to enable random breath testing of persons aged 16 and over riding bicycles (including e-bikes) and PMDs. A new subsection is inserted that provides a specific power for a police officer to require a breath test from a person found (or reasonably suspected during the last 3 hours to have been) riding, attempting to put in motion or in charge of a PMD or bicycle on a road, road-related area or public place. There is also a new subsection that enables police to require a breath test where a person over 16 riding, attempting to put in motion or in charge of a PMD or bicycle was involved in an incident resulting in injury to any person or in damage to property. This creates breath testing powers largely similar to that for motor vehicles. It is noted that while a PMD or bicycle rider can only be charged with the low range and mid-range offences when riding a PMD or bicycle, the high range offence (under the influence) applies to a person riding, attempting to put in motion or in charge of a PMD or bicycle. Breath testing a person that was attempting to put in motion, or that was in charge of, a PMD or bicycle will support police officers in determining whether a person is liable for a high range offence or not.

Most of the existing provisions of section 80 will apply to the new breath testing powers for PMD and bicycle riders. This includes section 80(1A) which provides when a person is taken not to have provided a specimen and sections 80(2B)-(5B) which prescribe procedural requirements around matters such as collecting multiple samples, times and places for taking breath specimens, as well as prescribing an offence for failing to provide the specimen. Police officers also have

powers to take and detain specific PMD and bicycle riders under section 80(6) and 80(8A)-(8B) for the purposes of providing a specimen. Under section 80(8), a person arrested for an offence against section 79, including the new offences for PMD and bicycles, may be required to provide a specimen of breath, saliva or blood for analysis or testing. Cross-references in section 80(8C) are expanded to include reference to the new breath testing provisions inserted by this clause so that police officers can require a breath specimen from a PMD or bicycle rider at a hospital. Sections 80(8E)-(8FA), (8L)-(9C) will apply to PMD and bicycle riders without need for amendment of these provisions. Other provisions of section 80 that will apply to bicycle and PMD riders include provisions around health care professionals taking blood specimens, laboratory testing and certificate evidence.

Section 80(11) is amended so that a PMD or bicycle rider that fails to provide a specimen is taken to be guilty of the offence of being under the influence of alcohol or drugs (new section 79(7A)). Under the unamended Act, PMD and bicycle riders that failed to provide a specimen would be committing an offence under section 80(11AA). The amendment simply creates alignment with how motor vehicle drivers are dealt with for failing to provide a specimen. PMD and bicycle riders will not, however, be subject to the same punishment that applies to the under the influence offence for motor vehicles (which can include, for example, licence disqualification, demerit points, education programs and interlock programs). PMD and bicycle riders will only be subject to the maximum penalty prescribed in section 79(7A).

Section 80(16L) is amended to include reference to the new under the influence offence for PMD and bicycle riders. This will create consistency with how charges are dealt with for under the influence offences for motor vehicles, where laboratory test results for blood or saliva are unknown when the court is dealing with the charge.

Section 80(21) is amended so that the rider of a PMD or bicycle is not subject to a 24 hour licence suspension. Instead, new provisions are inserted so that PMD and bicycle riders are subject to an 8 hour prohibition from riding a PMD and bicycle in stated circumstances, such as where a breath analysis indicates the rider is over the general alcohol limit, where a saliva analysis indicates a relevant drug is present or where the rider failed to provide a specimen after lawfully being requested to provide it. This means that the 8 hour prohibition will apply for saliva testing that can be requested after a person is arrested for an offence under section 79. Saliva testing of PMD and bicycle riders is used to determine if the rider is under the influence of drugs. As noted above, there is an existing power allowing police officers to request a specimen of saliva for testing under section 80(8).

The circumstances in which the 8 hour prohibition applies are similar to the circumstances listed in section 80(22) which prescribe when a person's driver licence is suspended, except that the 8 hour prohibition circumstances do not refer to the no alcohol limit provisions, as these are only relevant in cases involving motor vehicles. Where one of the stated circumstances apply, PMD and bicycle riders must be given a notice stating that the person is prohibited from riding both a PMD and bicycle for 8 hours. The amendments make it an offence to ride a PMD or bicycle while prohibited (just as it is an offence under section 80(22D) to drive a motor vehicle while suspended).

Amendment of s 84AA (Driving particular vehicles without due care and attention on road-related areas)

Clause 37 amends section 84AA to update terminology to align with that being used in

amendments in this Bill and in the Queensland Road Rules (‘riding’ a PMD or bicycle, rather than ‘driving’). These amendments are not intended to have any substantive impact on the operation of section 84AA.

Insertion of new ss 84B and 84C

Clause 38 inserts new section 84B (Riding prohibited bikes in public) and new section 84C (False or misleading labelling related to electrically power-assisted cycles).

New section 84B (Riding prohibited bikes in public) creates the core offence that underpins the prohibited bike framework. The section prohibits a person from riding a prohibited bike on a road, road-related area or in a public place. This offence applies to the full range of devices captured by the prohibited bike definition in new section 6 of the TORUM Act, including high-powered electric motorbikes, petrol-powered dirt bikes, and EPAC- or PMD-style devices that exceed the requirements for lawful EPACs and PMDs. These devices present significant safety risks when operated in public places, and are often designed for off-road use or cannot meet Australian Design Rules for registration.

Subsection (2) includes two limited defences:

- where the vehicle is being used as part of an organised competition or show with the consent of the owner or occupier of the place, and
- where the circumstances fall within section 10(2) of the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, which allows certain unregistered motor vehicles to be lawfully used.

Subsection (3) includes safeguards to prevent double punishment. If the same conduct could constitute both the prohibited bike offence and an offence under a regulation made under TORUM, the person may only be proceeded against for one of those offences. This ensures the new offence operates as an alternative, rather than an additional liability, to existing unregistered and uninsured vehicle offences.

New section 84C (False or misleading labelling related to electrically power-assisted cycles) establishes offences relating to the misuse of EPAC compliance labels. Subsection (1) prohibits a person from attaching, or causing to be attached, a label that purports to be a compliance label unless the vehicle is an EPAC. Subsection (2) creates a further offence for riding a vehicle that has a compliance label attached but does not comply with the EPAC standard, subject to a defence where the vehicle was purchased from a retailer in the ordinary course of business with the label already attached.

These provisions support the integrity of the EPAC framework by preventing the deliberate or inadvertent misrepresentation of high-powered or non-compliant devices as legal EPACs. They also assist enforcement by allowing officers to rely on compliance labels as a quick and reliable indicator of lawful device status.

Subsection (4) defines “compliance label”, “manufacturer” and “retailer”. A compliance label must be a permanent label or marking added by the manufacturer indicating compliance with the EPAC standard, ensuring consistency and preventing ad-hoc or fraudulent labelling.

Amendment of ch 5, pt 7, hdg

Clause 39 amends the heading of Chapter 5, Part 7 to insert the words “and testing”, reflecting that the Part will now include provisions dealing with approved testing devices in addition to enforcement devices.

Insertion of new ch 5, pt 7, div 3

Clause 40 inserts a new Division 3 into Chapter 5, Part 7, establishing the framework for approved testing devices used to test EPACs, PMDs and prohibited bikes.

New section 121A (Approved testing devices for particular vehicles) provides that the chief executive or commissioner may, by signed certificate:

- approve a device or system as an approved testing device for assessing whether a vehicle is an EPAC, PMD or prohibited bike, or for assessing compliance with the EPAC standard
- approve testing and calibration standards and procedures
- approve training or qualification requirements for persons who may operate an approved testing device.

The chief executive must publish a list of approved testing devices on a Queensland Government website and keep prescribed records of approvals and calibration checks. The Police Commissioner must provide information necessary for publication and record-keeping.

Insertion of new s 123KA

Clause 41 inserts new section 123KA (Certificate is evidence of another matter—approved testing device), which allows certificates signed by the chief executive or commissioner to be used as evidence in proceedings for offences under transport Acts.

Certificates may state:

- that a device or system is an approved testing device,
- the results of a test carried out using the device, including particulars of the vehicle, time and place of testing,
- that a vehicle does not comply with the EPAC standard and the stated reasons,
- that the device was tested or calibrated in accordance with an approved standard or procedure,
- that the device was operated in accordance with the manufacturer’s instructions or an approved procedure.

A certificate is evidence of the matters stated and is also evidence that the device was producing accurate results when tested and for one year after the day of testing.

Although section 123KA(1)(c) specifically refers to non-compliance with the EPAC standard, no equivalent paragraph is required for PMDs. This is because section 123KA(1)(b) already permits a certificate to state “the results of a stated test carried out using an approved testing device”, which includes test results relevant to determining whether a vehicle meets the prescribed PMD requirements. The PMD definition does not rely on an external technical standard in the way EPACs do, and therefore does not require a separate certificate provision equivalent to section 123KA(1)(c). The results of PMD testing, including whether a device exceeds the

maximum design speed or prescribed dimensional or weight limits, are admissible under section 123KA(1)(b).

Amendment of s 123R (Challenges to devices)

Clause 42 inserts new section 123R (Challenges to devices) to allow challenges to be brought in relation to:

- the results of an approved testing device, and
- the time or way in which such a device was used.

This aligns the challenge mechanism for approved testing devices with the existing framework for speed detection devices and vehicle speedometer accuracy indicators.

Amendment of s 123SA (Evidence of particular matters relating to vehicles)

Clause 43 inserts additional evidentiary aids into section 123SA (Evidence of particular matters relating to vehicles). The amendments provide that:

- evidence that a motorbike does not have a number plate attached is evidence that the motorbike is not registered
- evidence that a prohibited bike does not have a vehicle identification number engraved or permanently affixed is evidence that the bike is not eligible for registration
- evidence that an EPAC has been modified is evidence that the cycle does not comply with the EPAC standard.

These evidentiary aids support enforcement of the prohibited bike and EPAC frameworks by clarifying observable matters that may be relied upon in proceedings. Consistent with existing section 123SA(2), the aids do not create conclusive presumptions and remain open to rebuttal or challenge by other evidence.

Amendment of s 124 (Facilitation of proof)

Clause 44 amends an existing evidentiary provision to expand it beyond roads and also include road-related areas and public places. This will support enforcement of a number of provisions in this Bill. It will simplify and streamline prosecutions by reducing the evidentiary burden of proving the legal status of a place as a road, public place, or road-related area, while still preserving procedural fairness for the defendant as the defendant can produce evidence to rebut the evidentiary presumption.

Section 124 is also amended to insert new provisions enabling a certificate to state that a vehicle has been disposed of under the PPR Act. These amendments reflect that prohibited bikes may be lawfully forfeited and destroyed before proceedings are finalised, meaning the physical device may no longer be available for inspection. The certificate mechanism ensures that relevant facts about the vehicle's disposal, and its status as a prohibited bike at the time of seizure, can be reliably established for the purposes of court proceedings.

The amendments further provide that a certificate issued under section 124 is conclusive evidence of the matters stated unless the defendant produces evidence that could not reasonably have been provided before the disposal of the vehicle. This limited exception preserves procedural fairness by ensuring that defendants retain an avenue to challenge the certified facts in appropriate

circumstances. Together, these amendments align the evidentiary framework with the new seizure and disposal powers, ensuring that enforcement and prosecution processes remain workable and efficient once a prohibited bike has been lawfully destroyed.

Insertion of new pt 27

Clause 45 inserts new provisions to provide for transitional arrangements under the Act.

Section 245

New section 245 (Transition period for formerly compliant power-assisted bicycles and personal mobility devices) establishes temporary arrangements to support the commencement of the updated definitions of EPAC and PMD. These transitional arrangements provide a six-month period during which devices that complied with the former definitional framework continue to be treated as EPACs or PMDs, allowing users, suppliers and industry time to adjust to the new requirements.

EPACs

Section 245(1) provides that, for a period of six months after commencement, the definition of EPAC includes a device that was a “power-assisted bicycle” under the Act immediately before commencement.

Under the previous framework in Schedule 4 of the TORUM Act, which incorporated the definition in section 353B of the Queensland Road Rules (now repealed by this Bill), a “power-assisted bicycle” was a bicycle that:

- was an electrically power-assisted cycle, within the meaning given by the *Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 (Cth)*, or
- was fitted with one or more electric auxiliary motors having a combined maximum power output of not more than 200 watts,

and, in either case:

- was not capable of being propelled only by the motor or motors at a speed greater than 6 km/h, and
- was not capable of providing assisted propulsion at speeds greater than 25 km/h.

The former definition did not require compliance with EN 15194 or the display of a manufacturer’s certification label. As a result, a significant number of devices that were lawful immediately before commencement do not bear the certification marking required under the new EPAC definition. The transitional provision is necessary to allow continued use of those devices for six months while owners obtain post-sale certification where available or make alternative arrangements.

PMDs

Section 245(2) provides that, for a period of six months after commencement, a device that met the former definition of PMD in Schedule 4 of the TORUM Act, read with section 15A of the Queensland Road Rules, continues to be treated as a PMD for the purposes of the Act.

Under former section 15A, a PMD was a vehicle that:

- had one or more wheels, and
- was propelled by an electric motor, and
- did not exceed—
 - 1,250 mm in length × 700 mm in width × 1,350 mm in height, or
 - 700 mm in length × 1,250 mm in width × 1,350 mm in height, and
- weighed not more than 60 kg when not carrying a person or other load, and
- was not any of the following:
 - a low powered toy scooter,
 - a motorised mobility device, or
 - a vehicle with pedals.

The revised PMD definition introduces a maximum design speed of 25 km/h, which was not a requirement under the former definition. A number of devices that were lawful immediately before commencement may be capable of exceeding 25 km/h and may therefore require software or hardware modifications to reduce their maximum speed capability. The transitional period is necessary to enable those devices to continue to be used lawfully for six months while owners undertake any modifications required to comply with the amended definition, or otherwise make alternative arrangements.

Section 246

New section 246 (Evidentiary provisions) provides a transitional provision for the amendments to section 124 and Schedule 1. It clarifies that the unamended section 124 applies to proceedings started before the commencement of the amendment and that a certificate given under unamended Schedule 1 before commencement may continue to be used after commencement for a proceeding started before the commencement.

Amendment of sch 1 (Evidence by certificate)

Clause 46 amends an existing evidentiary provision to expand it beyond roads and road-related areas to also include public places. This will support enforcement of a number of provisions in this Bill. A matter stated in an evidentiary certificate that a specified place was or was not a public place or part of a public place will be evidence of that matter. This will simplify and streamline prosecutions by reducing the evidentiary burden of proving the legal status of a place as a public place.

Amendment of sch 4 (Dictionary)

Clause 47 amends Schedule 4 (Dictionary) of the TORUM Act to support the new definitional framework for EPACs, PMDs and related terms introduced by the Bill.

The definition of “power-assisted bicycle” has been omitted from Schedule 4, as the term is no longer required. The Bill replaces the former dual-category framework with a single, updated definition of “electrically power-assisted cycle”, supported by the EPAC standard prescribed under section 353B of the Queensland Road Rules. The omission is also consistent with the transitional arrangements in new section 245, which preserves the lawful status of devices meeting the former definition for six months after commencement.

An EPAC is defined to mean a vehicle that:

- (a) has 2 or more wheels, and
- (b) is built to be propelled by human power through a belt, chain or gears, and
- (c) has one or more auxiliary electric motors, and
- (d) unless a special circumstances permit applies—
 - (i) complies with the EPAC standard, and
 - (ii) has permanently attached to it a label that indicates compliance with the EPAC standard.

This updated definition ensures that all EPACs operated in Queensland meet a clear and enforceable technical standard.

The term “EPAC standard” is defined to mean the standard prescribed by regulation. The associated amendment to section 353B of the Queensland Road Rules prescribes the applicable standard as *EN 15194:2017+A1 – Cycles – Electrically power assisted cycles – EPAC Bicycles*, ensuring that Queensland’s EPAC requirements are technically robust and internationally recognised.

A definition of “approved testing device” is inserted, referring to section 121A(1), which enables the chief executive or commissioner to approve devices or systems for testing whether a vehicle is an EPAC, a PMD or a prohibited bike, or for assessing compliance with the EPAC standard.

A “prohibited bike” is defined by reference to new section 6, which identifies vehicles that must not be used on roads, road-related areas or in public places, including non-compliant EPACs, non-compliant PMDs and unregistered or unregistrable motorbikes.

The term “ride” is inserted to clarify that the term does not include being carried on a vehicle as a passenger or walking and pushing or pulling the vehicle. This ensures consistent interpretation across offence and enforcement provisions.

Together, the amendments replace outdated terms, remove definitions that are no longer required and insert new definitions to support the revised e-mobility classification scheme.

Part 7 Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015

Regulation amended

Clause 48 states that this part amends the AOP Regulation.

Amendment of s 128 (Application for, and issue of, permit)

Clause 49 amends section 128 of the AOP Regulation to expand the types of matters for which a special circumstances permit may be issued. In addition to the existing ground that a permit may authorise conduct otherwise prohibited under section 85A of the TORUM Act, the amendment allows a permit to be issued for the use of a “special EPAC”—that is, a vehicle that would otherwise meet the definition of an EPAC but cannot comply with the EPAC standard or the compliance-labelling requirement.

The provision is intended to provide limited, conditional flexibility for devices that are safe in practice but cannot be certified to EN 15194 due to technical constraints unrelated to risk. This may include, for example, electrically-assisted tricycles (e-trikes) and other non-standard electrically assisted vehicles whose configuration prevents certification despite being consistent with the safety purpose of the EPAC framework. The mechanism allows these devices to be used lawfully under controlled conditions without altering the EPAC definition or undermining the operation of the prohibited bike framework.

Subsection (4)(a) is amended to require that, where an application relates to a special EPAC, the application must include a description of the device. This ensures the chief executive has sufficient information to assess the suitability of the vehicle for conditional approval under a special circumstances permit.

Subsection (6) inserts an example clarifying that the conditions imposed on a permit may include requirements such as ensuring the device complies with a stated standard or technical specification. This example illustrates the type of tailored, risk-based conditions that may be applied to special EPACs to ensure their safe operation while maintaining the integrity of the broader EPAC and prohibited bike frameworks.

Amendment of s 129 (Authority of special circumstances permit)

Clause 50 amends section 129 to insert new subsection (3A), which provides that, to the extent a special circumstances permit applies to a special EPAC, the permit authorises use of the vehicle only while it complies with the conditions stated in the permit. This ensures the authorisation remains strictly conditional, maintains safety oversight, and prevents the permit from inadvertently deeming a special EPAC to be an EPAC for broader purposes.

The amendment also confirms that the permit framework does not prevent a special EPAC from otherwise being a prohibited bike if used outside the scope of the permit, nor does it override any offence provisions that apply when a device is used contrary to permit conditions.

A minor amendment is made to subsection (4) to insert a cross-reference linking the term “special EPAC” to its definition in section 128(2)(b), supporting clarity and ease of interpretation.

Part 8 Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009

Regulation amended

Clause 51 states that this part amends the Queensland Road Rules.

Replacement of s 15A (Personal mobility devices—Act, sch 4)

Clause 52 replaces existing section 15A of the QRR with a new, updated definition of PMD for the purposes of Schedule 4 of the TORUM Act. The former definition relied on dimensional limits, unladen mass, and propulsion method (electric motor), and excluded devices with pedals, “motorised mobility devices”, and “low powered toy scooters”. The replacement section substantially revises the definition to align with the amended PMD framework in the Act.

Under the new section 15A, a vehicle is a PMD if it:

- (a) has 1 or more wheels, and
- (b) is propelled by an electric motor, and
- (c) does not exceed:
 - (i) a width of 750 mm, and
 - (ii) a height of 1350 mm, and
 - (iii) a wheelbase of 1100 mm if the device has two or more axles, and
- (d) weighs 60 kg or less when not carrying a person or other load; and
- (e) can not exceed a motor-propelled speed of 25 km/h.

Subsection (2) confirms that the following devices are not PMDs:

- (a) a low powered toy scooter,
- (b) a motorised mobility device,
- (c) a vehicle with pedals,
- (d) a vehicle that is registered and has a number plate attached.

The introduction of a wheelbase measurement in place of the previous overall length limit ensures a more consistent and reliable way of determining the size of a device. Wheelbase—the distance between the centres of the front and rear wheel axles for devices with two or more axles—provides a fixed measurement of the device’s actual size, whereas overall length can be affected by design choices or features that do not reflect the true scale of the device. This ensures that PMDs remain within the intended class of compact devices and prevents larger scooter-style vehicles from meeting the dimensional limits through adjustable or removable components.

The amendment also re-introduces a device speed capability limit of 25 km/h. Under the former definition, a device could be classified as a PMD regardless of how fast it was capable of travelling, because the definition imposed no design-speed requirement and relied only on operational speed limits. As devices have become more powerful and technically capable of reaching much higher speeds, this created safety risks in shared environments where PMDs are intended to operate. Requiring that a PMD must not be capable of exceeding 25 km/h under motor power ensures the category remains limited to genuinely low-speed devices suited to these settings and prevents higher-powered devices, whose performance is more comparable to motorbikes, from being used under the more permissive PMD rules.

These refinements ensure the PMD category remains appropriately limited to small, low-speed e-mobility devices and support clearer differentiation between PMDs, EPACs and prohibited bikes across the revised regulatory framework.

Amendment of s 21 (Speed limit where a speed limit sign applies)

Clause 53 amends section 21 of the Queensland Road Rules to clarify when a particular speed limit on particular paths end, subject to section 24B.

Replacement of s 24B (Speed limit for personal mobility devices)

Clause 54 omits section 24B and inserts a new section 24B, 24C and 24D.

Section 24B provides for when a speed limit path marking or path speed limit sign applies to the driver of a vehicle on a particular path. A length of bicycle path, footpath, separated footpath or

shared path to which a speed limit path marking or a path speed limit sign applies, will set the speed limit for any vehicle using the path including bicycles, EPACs and PMDs, despite a higher speed limit that would otherwise apply. For example, a speed limit path marking will apply instead of the higher speed limit on a road adjacent to the path.

Section 24C provides for the speed limit that applies to the rider of a PMD in particular circumstances. A PMD will be limited to 10km/h when using a crossing to cross a road, or riding on a footpath or shared path, unless a path speed limit sign or speed limit path marking provides a higher speed. This improves safety for path users, as these are locations where paths are shared with pedestrians. A PMD will be limited to a maximum speed of 25 km/h even where these speed limits do not apply, such as on a road, a bicycle path or a separated footpath even if those places have a higher speed limit for other vehicles.

Section 24D provides for the speed limit that applies to an EPAC in particular circumstances. An EPAC will be limited to 10km/h when using a crossing to cross a road, or riding on a footpath or shared path, unless a path speed limit sign or speed limit path marking provides a higher speed. This improves safety for path users, as these are locations where paths are shared with pedestrians.

Amendment of s 244B (Wearing of helmets by users of low powered toy scooters)

Clause 55 will enable users of low powered toy scooters to wear an approved bicycle helmet or an approved motorbike helmet. Section 244B currently only refers to approved bicycle helmets which means that if the user of a low powered toy scooter wears an approved motorbike helmet, they commit an offence under this section. To create consistency with the helmet requirements that apply to riders of PMDs under section 256A, section 244B is amended to add references to an approved motorbike helmet. This includes adding a provision similar to section 256A(4) so that if a person cannot wear an approved motorbike helmet, they are not exempt from the requirement to wear an approved bicycle helmet (unless they also cannot wear an approved motorbike helmet under the exemptions).

Omission of s 245A (Age restrictions for personal mobility device riders)

Clause 56 omits section 245A which removes age restrictions for PMD riders from the Queensland Road Rules, as age restrictions for PMDs are being updated and are being inserted into the TORUM Act as new section 78B.

Amendment of s 252B (Personal mobility devices not to be ridden on particular roads)

Clause 57 amends section 252B of the Queensland Road Rules which provides an offence for riding PMDs on prohibited roads. The new offence will prohibit riding on roads with a speed limit more than 60 km/h. This represents an increase in speed limit, with the existing offence only allowing PMD riders on roads with a speed limit more than 60km/h. The amendment also provides for a more streamlined provision compared to the existing offence which prohibited riding on any roads with a dividing line or median strip, or one-way roads with more than one marked lane. PMD riders will now be able to ride on these roads, provided the speed limit applying to drivers on that road is not more than 60km/h. The heading of this section is updated to reflect the change in scope of the section.

The amendment will open up more roads for PMDs to use, which should reduce reliance on footpaths, and therefore reduce risks to other pedestrians. The new blanket rule, without

exclusions for specific one-way roads and roads with dividing lines or median strips, should also be more readily understood by riders.

The reference to 'length of road for which the speed limit applying to a driver is more than 60km/h' relates to a length of road for which 'any' driver is subject to a speed limit of more than 60km/h. This means that a PMD rider can ride on a road where motor vehicle drivers have a speed limit of 60km/h or less but, due to the operation of section 24B, are subject to a speed limit of a maximum of 25km/h (unless signed otherwise).

Section 252B will also continue to apply to riding PMDs on a shoulder of a road and will continue to not apply to riding PMDs on a footpath (there is no offence under section 252B for PMD riders that ride on a footpath beside a road where motor vehicles have a speed limit of more than 60km/h).

Amendment of s 252C (Exception to not riding personal mobility devices on particular roads—PMD-permitted bicycle lane)

Clause 58 is a consequential amendment that reflects the amendment of section 252B. As the amendments to section 252B will remove the prohibition that applied for riding on roads with a dividing lane or median strip, and particular one-way roads, and will effectively allow riding on any road with a speed limit of 60km/h or less, it is not necessary for the definition of PMD-permitted bicycle lane to specifically include bicycle lanes on roads with a speed limit under 60km/h. A road includes a bicycle lane (see the definition of bicycle lane in section 153 which refers to a marked lane which is defined by reference to an area of road) and therefore section 252B enables PMDs to ride in any bicycle lane where the speed limit for motor vehicles on the road adjacent to the bicycle lane do not exceed 60km/h. Section 252C will, however, continue to allow PMD riders to ride in any bicycle lanes that are separated from the other lanes of the road by a structure such as a bollard or traffic island (regardless of the speed limit for motor vehicles on that road).

Amendment of s 252D (Other exceptions to not riding personal mobility devices on particular roads)

Clause 59 amends section 252D as a consequence of amendments to section 252B, including an amendment to the heading and an amendment to a cross-reference.

Insertion of new s 253A

Clause 60 inserts a new offence for parking e-mobility devices on paths in a way that unreasonably obstructs pedestrian and vehicle throughfare. The offence applies to any person who parks an e-mobility device. This includes a rider, as well as persons that push or pull a device or a passenger of a device.

The offence requires that there be an unreasonable obstruction, meaning that liability arises only where the device materially impedes the safe or reasonable passage of others in the circumstances. This will be a matter to be determined in each case. For example, if a person parks on a verged grass area next to a footpath to keep that footpath clear, this would generally not be an unreasonable obstruction. However, if a person parks on a verged grass area where there is no footpath and that area is narrow and acts as the main pedestrian throughfare, this is likely to be considered an unreasonable obstruction. In applying the provision, relevant factors to consider in

deciding whether a device was an unreasonable obstruction would include: the width and configuration of the path; pedestrian volumes and the presence of vulnerable users (e.g. persons using wheelchairs or mobility aids, persons with prams, children and older persons); sight lines and proximity to crossings, kerb foot ramps, driveways and building entrances.

Amendment of s 256 (Bicycle helmets)

Clause 61 will enable bicycle riders and passengers to wear an approved bicycle helmet or an approved motorbike helmet. Section 256 currently only refers to approved bicycle helmets which means that if a bicycle rider or passenger wears an approved motorbike helmet, an offence is committed under this section. To create consistency with the helmet requirements that apply to riders of PMDs under section 256A, section 256 is amended to add references to an approved motorbike helmet. This includes adding a provision similar to section 256A(4) so that if a person cannot wear an approved motorbike helmet, they are not exempt from the requirement to wear an approved bicycle helmet (unless they also cannot wear an approved motorbike helmet under the exemptions).

Amendment of s 257 (Riding a bicycle or personal mobility device with a person on a bicycle or PMD trailer)

Clause 62 will enable persons on a bicycle or PMD trailer to wear an approved bicycle helmet or an approved motorbike helmet. Section 257 currently only refers to approved bicycle helmets which means that if a person on a bicycle or PMD trailer wears an approved motorbike helmet, an offence is committed under this section. To create consistency with the helmet requirements that apply to riders of PMDs under section 256A, section 257 is amended to add references to an approved motorbike helmet. This includes adding a provision similar to section 256A(4) so that if a person cannot wear an approved motorbike helmet, they are not exempt from the requirement to wear an approved bicycle helmet (unless they also cannot wear an approved motorbike helmet under the exemptions).

Replacement of s 353B (Power-assisted bicycles—Act, sch 4, definition *power-assisted bicycle*)

Clause 63 replaces existing section 353B of the Queensland Road Rules with a new section prescribing the “EPAC standard” for the purposes of Schedule 4 of the TORUM Act. The former section 353B contained the definition of “power-assisted bicycle”, which has been removed as part of the transition to a single, updated EPAC category now located in the Act. The omission of the former definition and the insertion of the EPAC standard supports the revised definitional framework by providing a clear and objective technical basis for determining whether a device is an EPAC.

The new section 353B prescribes *EN 15194:2017+A1 – Cycles – Electrically power assisted cycles – EPAC Bicycles*, published by the European Committee for Standardization, as the EPAC standard. This standard sets out the core performance and safety requirements for EPACs, including that:

- the auxiliary electric motor must have a maximum continuous rated power of no more than 250 watts
- motor assistance must cut off when the vehicle reaches 25 km/h
- the motor must not be capable of propelling the cycle at more than 6 km/h without pedalling.

These technical thresholds ensure that EPACs remain pedal-assist devices, not throttle-driven motorbikes, and reflect the internationally recognised parameters for low-powered electric bicycles.

By prescribing EN 15194, the amendment ensures that Queensland adopts a robust, standards-based approach that allows EPACs to be readily identified and assessed against clear, externally published criteria. This standard works together with the amended definition of EPAC in Schedule 4 of the Act, which requires compliance with the EPAC standard and the display of a manufacturer-applied compliance label. The combination of a single technical standard, mandatory compliance labelling and the new testing framework introduced by the Bill enhances enforceability and reduces reliance on subjective or technical inspection at the roadside.

This amendment is an essential part of the broader shift from the previous “power-assisted bicycle” framework to a contemporary, standards-driven EPAC classification. It promotes safety, supports enforcement, and provides greater certainty for users, suppliers and regulators about which devices fall within the EPAC category.

Amendment of sch 3 (Other permitted traffic signs)

Clause 64 amends schedule 3 of the Queensland Road Rules to remove entries for PMD related speed signs which are redundant with the new speed framework covering other vehicles on paths.

Amendment of sch 4 (Symbols and traffic-related items)

Clause 65 amends schedule 4 of the Queensland Road Rules to remove an entry for a PMD symbol which is redundant with the new speed framework covering other vehicles on paths.

Amendment of sch 5 (Dictionary)

Clause 66 inserts definitions for new terms used in section 24B.

Part 9 Other amendments

Legislation amended

Clause 67 states that Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

Schedule 1 makes consequential amendments to other regulations.