

## **Inquiry into e-mobility safety and use in Queensland**

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20 June 2025

Committee Chair  
State Development, Infrastructure and Works Committee  
Queensland Parliament

**By online upload**

Dear Sir/Madam,

We welcome the opportunity to provide feedback in relation to the Committee's inquiry into e-mobility safety and use in Queensland.

Maurice Blackburn Pty Ltd is a plaintiff law firm with 34 permanent offices and 30 visiting offices nationally throughout all mainland States and Territories. Our Queensland practice consists of 14 permanent offices and 8 visiting offices across rural, regional and metropolitan centres. The firm specialises in road injuries, employment and industrial law, workplace injuries, medical negligence, abuse law, dust diseases, superannuation (particularly total and permanent disability claims), negligent financial and other advice, and consumer and commercial class actions. The firm also has a substantial social justice practice.

Maurice Blackburn's contributions to public policy discussions are based on the lived experience of those we have assisted to access justice. To that end, we have restricted our commentary to five of the terms of reference.

**Term of reference 2: Safety issues associated with e-mobility use, including increasing crashes, injuries, fatalities, and community concerns**

Maurice Blackburn has assisted numerous Queenslanders who have suffered injury as a result of accidents involving e-mobility devices.

Our primary concern is that people injured in this way do not enjoy the same protections or entitlements as people injured in other vehicle-related accidents.

Injuries sustained in such accidents can have a profound impact on the physical, mental and financial wellbeing of Queenslanders. In addition, the number of incidents resulting in injury is rising.<sup>1</sup>

Given that e-mobility devices are not registered, they are thereby not covered by third party insurances which, for all other vehicle types, provide coverage for people injured as a result of the use of that vehicle.

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<sup>1</sup> See for example: <https://www.abc.net.au/news/2025-06-02/private-e-scooter-injuries-two-thirds-of-hospital-presentations/105365722>

There are some narrow windows of opportunity for people injured in such a manner. For example, a claim may be made against the home and contents insurance coverage of the owner, if the clauses of that policy allow for it.

This, however, comes with complexity. Many policies contain provisions which enable the insurer to deny the claim if the accident occurred as a result of a criminal act. If the device was being used, at the time of the accident, in a manner which contravened the laws, there may be no coverage.

Adding to this, the rules determining criminality of acts related to e-mobility devices differ from state to state. So an insurance policy which may cover an accident in NSW may not cover the same event in Queensland.

E-bike rental agreements come with some insurance cover. However, if the e-bike is being used in a manner outside of the terms of the contract, it is of no use.

Consider the following case example:

#### **Case Example #1 – Liam**

Liam was walking on a public footpath near the Gold Coast foreshore. Behind him, a father and his 14 year old daughter were riding e-bikes, hired from a popular provider.

The daughter lost control of her bike after hitting some sand on the footpath, and struck Liam, causing a significant injury to his elbow.

Liam was taken by ambulance to a local hospital where he was treated for a fractured elbow and arm. He needed follow-up surgery some weeks later to have pins and plates inserted.

The injury has left Liam with ongoing pain and discomfort. He is a contractor by trade and has been unable to tender for work due to his condition. He is also unable to continue with his favourite recreational pursuit, golf.

The minimum age for using a hired e-bike from the company in question is 18 years. Thus, because the rider was under that age, their insurances do not apply.

We were unable to assist Liam in seeking compensation for his injuries and hospital bills. Liam instead will have to rely on Medicare and potentially the supports offered to victims of crime.

Maurice Blackburn urges the Committee to consider the benefits of requiring some form of registration for e-mobility devices, accompanied by some form of compulsory third party insurance coverage.

It should not be left to the public purse – including Medicare or the NDIS – to help people to cover the costs of injuries sustained as a result of the use of an e-mobility device.

Maurice Blackburn fully endorses the importance of preventive measures such as education and helmet use when discussing crashes, injuries, fatalities and community concerns. However, the fact remains that unfortunately people will continue to be injured when using e-mobility devices and it is vital that appropriate compensation is available.

#### **Term of reference 4: Suitability of current regulatory frameworks for PMDs and e-bikes, informed by approaches in Australia and internationally**

Maurice Blackburn shares community revulsion at incidents where people have become victims of modified or non-compliant e-mobility devices.<sup>2</sup>

It should not be acceptable that devices are being marketed and sold which are clearly non-compliant with local laws.

Maurice Blackburn believes that there is significant work to be done in order to combat this unacceptable situation.

##### **i. Import controls**

One of the confounding factors in developing a compliance regime for the import of e-devices is that different rules exist in different jurisdictions which determine the legality of devices. Maurice Blackburn believes the Committee is well placed to advocate for harmonisation of rules across jurisdictions, with the view to setting nationally agreed benchmarks of what should and shouldn't be permissible.

##### **ii. Retailer compliance**

It should not be acceptable that retailers – both online and instore – are able to import and on-sell non-compliant devices.

Maurice Blackburn believes that it should be necessary for consumers to access compliance information at the point of purchase. Our current observation is that many consumers are purchasing non-compliant devices on the mistaken belief that what they are buying will not put them at odds with local laws.

We are reminded of similar public policy discussions which took place in relation to the importation and retailing of quad bikes. The ACCC instigated a comprehensive process to ensure that such vehicles coming into Australia were compliant with Australian requirements, that retailers knew their responsibilities at point of sale, and that consumers were provided with information about their safe use.

It should be noted that manufacturers of quad bikes fought hard during that process to minimise disruption to their businesses. It is important that community safety be the primary consideration.

Maurice Blackburn suggests that the Committee could look to the process used to determine the appropriate use of quad bikes as a useful template in determining how to respond to the challenges associated with e-mobility devices.

#### **Term of reference 6: Gaps between Commonwealth and Queensland laws that allow illegal devices to be imported and used**

Please refer to our responses to terms of reference 2 and 4 above.

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<sup>2</sup> See for example: <https://www.theage.com.au/national/victoria/screams-a-crumpled-bike-pedestrian-struck-by-illegally-modified-bike-fights-for-life-20250513-p5lyot.html>

State by state differences in what is and what isn't acceptable in relation to e-mobility devices are the basis for difficulties in regulating the importation of safe devices, and consumer access to insurance coverage in the event of an accident.

Maurice Blackburn believes the Committee is well placed to advocate for harmonisation of rules across jurisdictions, with the view to setting nationally agreed benchmarks of what should and shouldn't be permissible.

### **Term of reference 7: Communication and education about device requirements, rules, and consequences for unsafe use**

Maurice Blackburn agrees that far greater emphasis needs to be placed on the need for communication. We would applaud any finding by the Committee that prioritises this need highly in the recommendations.

The need for better communication is manifold:

- i. Consumers need better understanding of the laws pertaining to the safe use of e-mobility devices. In our experience, consumer knowledge of the relevant rules<sup>3</sup> is inadequate. We've observed confusion in discussions with clients about whether e-bikes can be used on roads and footpaths. Many are unaware of speed limitations. Many are unaware of the legal implications of modifying their device.
- ii. Potential buyers need better understanding of the legalities that may apply to their choice of e-mobility device. Mandating the provision of relevant information at the point of sale would be beneficial.
- iii. Importers and retailers need to be better educated on the risks of their products, and the compliance requirements that apply to those products in Queensland.
- iv. Young people require targeted education on the safe use of e-mobility devices. Media reports indicate that police are cracking down on young people<sup>4</sup> who are either utilising a non-compliant device, or using a compliant device illegally. While the need to appear 'tough on crime' is popular, often the young people are unaware that what they are doing is illegal. We encourage the Committee to consider how education related to e-bike use can be incorporated in existing educational campaigns for young people, such as road safety or learn to drive.

### **Term of reference 8: Broad stakeholder perspectives, including from community members, road user groups, disability advocates, health and trauma experts, academia, the e-mobility industry, and all levels of government**

The core focus of any review of the laws and regulations governing the use of e-mobility devices must be on community safety. We urge the Committee to ensure that community safety is central to its findings and recommendations.

Our experience as a national plaintiff law firm tells us that the issues identified in the terms of reference are not restricted to Queensland. In many ways, the response requires a national

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<sup>3</sup> <https://www.qld.gov.au/transport/safety/rules/wheeled-devices/electric-bicycle-rules>

<sup>4</sup> See for example: <https://7news.com.au/news/crackdown-on-illegal-e-bikes-as-police-start-fining-parents-for-buying-their-children-the-deadly-toys-c-18405383>



approach. We believe the Committee is well placed to show leadership in driving discussions about appropriate rules and legislation, across jurisdictions.

Consumer understanding of the rules and laws is essential.

We note that those most at risk of injury as a result of the misuse of e-mobility devices in public places are our most vulnerable communities, including the elderly, children and people with disability. We echo the calls of advocacy bodies for greater focus on protecting innocent users of shared spaces. This may include developing initiatives to:

- Identify known bottlenecks/hot-spots where pedestrians and e-mobility device users are known to come into contact,
- Take steps to separate pedestrians and e-mobility devices where practical, and
- Ensure appropriate infrastructure exists in those places, such as clear signage and mirrors to enhance visibility of oncoming foot traffic on corners.

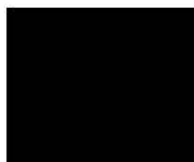
Finally, the need to ensure appropriate recourse for people who have suffered injury as a result of the misuse of these devices is important, in assisting them to get their life back in order. Injured Queenslanders should not have to rely on luck as to whether they will have access to compensation, as is currently the case. They should also not have to rely on their own savings or the public purse. Those who make, sell, hire and modify these devices need to share responsibility for any harms their products create.

We would be delighted to accept an invitation to share our legal expertise and experience directly with the Committee, if that would be of value to the inquiry. Please do not hesitate to contact us via the contact details below if we can further assist with the Committee's important work.

Yours faithfully,



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