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

Submission No: 0011
Submission By: Australian Transport Research

AUSTRALIAN TRANSPORT RESEARCH

ABN 49914720366
[Incorporating *Brisbane Transport Research Group* - founded 1966]

To The Honorable Pat Weir Speaker of the House , Parliament of Queensland

Mister Speaker,
Australian Transport Research has much pleasure in tendering to you some extra information for consideration by the relevant bodies, comments upon the *Report Number 21* to the *58th Parliament of Queensland, February 2026, Inquiry into e-mobility safety and use in Queensland,* conducted by the Parliament's State Development, Infrastructure and Works Committee.

There is more on the background of the chair to help explain the level of experience behind many of the points raised, particularly with regards to comments on recommendations 1 and 2, and wish to draw specific attention to the comments on recommendations 11 through 15 regarding age limits, licensing and modifications.

Additional comments recommendations 1 and 2

Mobile Phone use and distractions.
Psychological studies show mobile phone use while walking decreases IQ by more than 10% and leads to inattention to the main task, walking safely: human brains not designed for multi-tasking!

Any distraction has the same affect and multiple distractions greatly increase the risk of an accident through inattention. It involves other pedestrians, not just e-devices and cyclists.

This is well known, yet the Report makes no mention of the role of pedestrians in the problem through this, erratic behavior, fooling around, deliberate acts, etc. in causing harm to themselves. It has to be a two way process. Pedestrians cannot expect other pedestrians and other users of the area to look out for them. They should be doing that themselves.

This problem has been recognised when driving for years and around railway property. It is completely ignored when pedestrians are on the street. Internet connected glasses are only going to exasperate the problem!

Pedestrians in bike only road crossings
Pedestrian responsibility is also a critical problem in certain areas of the CBD and South Brisbane, in particular where pedestrian crossings and bicycle crossings are segregated.

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The crossing across Vulture Street South Brisbane is a very good example. The problem is compounded because of the layout of the intersection. Most pedestrians just refuse, even when told, to obey the rule of pedestrians using the western most portion of the segregated crossing and prefer to block the cyclists' (and e-devices) crossing. Part of the reason is because the cyclist crossing goes directly onto the Stanley Street 'Pop-Up' bikeway and pedestrians using Stanley Street and Vulture Street prefer not to cross over and go further westward, but simply use the cyclists crossing. Anytime at day this is a problem. Visitors coming up from South Bank to Vulture Street also compound this issue

Other such crossings that are a problem are the one from the Courts' complex across Roma Street to the station vehicular entrance, and the entire section of the pop-up bikeway, including the crossings, from George Street to the Kurilpa Bridge along Herschel Street. One building doing a practice fire drill ever thought it was quite okay to completely block all access to the Kurilpa Bridge and Herschel Street by personnel standing across its entrance including the bikeway itself in Herschel Street instead of being in an orderly group on the footpaths, in the courtyard or even to one side of the bridge.

<u>Pedestrians do not see signs: most are looking down at phones.</u>
Signage hardly exists and is not that visible enough it appears, where it is. People are walking looking down, not up. That is why all signage should be clearly painted on the ground, although even where it is so painted, pedestrians often ignore it. The Goodwill Bridge is a good example of this.

<u>Meaning of green painted areas.</u>
Most pedestrians have absolutely no idea that 'Green painted areas' are for bicycle use only, except when directly crossing.

<u>Meaning of Blue painted areas</u>
Cyclists, but especially e-device users disregard blue painted areas and probably have no idea they are 'pedestrian only areas' or on some bikeways, pedestrian crossings with white checks.

Put simply, many pedestrians simply refuse to have any restrictions placed on their movements, hence, it is time there was a crackdown on their recalcitrant behavior that endangers both themselves and other users of the infrastructure. People will confuse footpaths with shared bikeways/pathways no doubt and expect e-devices to travel at 10 km/h on them as well.

This is why it is important that the education imparted as recommendations 27 and 28 say, should be very thorough and at all levels.

Other Major Concerns that the report has not addressed
Is the proposed modification restriction only restricted to motor power and cut out speed or are any modifications going to be prohibited as well – mirrors, panniers, parcel racks,

baskets, extra batteries carried, etc.

Government Reply speed limit on footpaths
Any restriction on preventing the elderly riding e-bikes (needing a medical certificate) will directly, and seriously affect their health, and quality of life. E-bikes help them stay active.

Are all of the restrictions applying to everywhere on public land e-devices are ridden?

There are some bikeways that are segregated on the footpath such as at Toowong. Some bikeways are shared pathways such as the Bi-centennial Bikeway. Where is the distinction going to be between footpaths, bikeways and shared paths, if one is going to be made. A good example of the lowest form of separation is Kessels Road Upper Mount Gravatt where cycle lanes are directed from the road, up to bike only lanes on the footpath to cross Logan Road. More dangers for cyclists as they have they have to slow down, while still in heavy traffic, to 10 km/h to go up onto the foot path. Lane actually finishes earlier.

You cannot lump e-bikes/bicycles and e-PMBS (non-medical) together. One is definitely dangerous at any age, the other is only dangerous when the person is too young or too old or infirm to safely ride.

No mention is made of whether people powered bicycles are going to have to travel at 10 km/h. More confusion!

Put simply, the Committee's, and now the Government's, response has not been thought through properly in certain areas, despite the lengthy investigation. They can only be described as policy on the run as a knee jerk response to the current spat of deaths and accidents resulting from in correct e-device use and the media and medical lobby outcry as a result of 'hoons' on e-devices. The QPS obviously has not thought it through really.

A simple fix is trying to be applied, no doubt by the QPS, rather than a thought out serious response that addresses all issues and does nor create further problems.

An opposition that did nothing for ten years when in Government and in fact compounded the problems with non-compliant e-devices that currently exist, is not helping by fanning the flames of public opinion and politicising such an important matter of public concern.

The Committee has a good framework of commendable recommendations, but some areas must not be rushed into legislation without proper consideration, to remove problems the current proposals as they stand, will cause.

Garry R. Ford, P.Grad. Dip Arts (history), B.Ed, Dip IT, F.R.Hist.S.Q.
Chair,
Australian Transport Research / **BACKGROUND ON THE CHAIR OF AUSTRALIAN TRANSPORT RESEARCH**

BACKGROUND ON THE CHAIR OF AUSTRALIAN TRANSPORT RESEARCH

Family background in transport. This is his grounding

Grandfather

- early RACQ member, held
- London Taxi license early 1900s
- introduced motorized taxis to Brisbane WWI
- Helped start Reel Taxis (renamed Yellow Cabs) for returned service men from World War I and managed it till his death in 1954.
- Sand and gravel hauling business.
- Log hauling business.

Father

- electrical and mechanical engineer with the Brisbane Tramways and Electricity Department.
- 1920s - Involved with Vic Huxley (neighbor) in establishing motor bike racing. Exhibition Speedway.
- Moreton Bay Motor Cycling Club for recreational pursuits and touring (when bike clubs respectable)

Other

Relations operated Cribb Island and what became Bayside Bus Services.

Background

- Driving since 4 years old sitting on a knee steering and changing gears while Dad or Grandfather used the clutch, brake, accelerator.
- Learnt all the skills of driving needed in Queensland, such as making corduroys knowing when and how to safely cross floodways, etc. and coping with the poor roads. This was a time when the bitumen stopped north of Bundaberg on the Bruce Highway, most Brisbane streets were dirt or had a narrow strip of bitumen in the centre, and most roads outside of Brisbane had only a one-vehicle wide strip of bitumen in the centre. On a weekend you could drive to Redcliffe via Petrie and nor pass a car between the Landsborough monument on Gympie Rd and Redcliffe via ANZAC Avenue. Cars, like telephones, refrigerators and the like were a sign of affluence. The best road in Queensland was the newly completed four lane concrete Brisbane-Ipswich Road. A trip to Sydney took two or three days and a trip to Today's Gold Coast was several hours.

Motor transport experience

- 1966 legal road driving commenced
- Formally taught driving by the RACQ for car, and ACE for truck license.
- Held drivers license HR and UD (for tram) since 1967. (waited till finished school to sit for test)
- Melbourne and Metropolitan Traffic Board for tram driving (all classes including works trams) and trained as a driving instructor.
- Used teaching skills to write a simplified (non-language) instruction course for the MMTB Driving School for poorly speaking immigrant trainees 1979-80.
- Also held a hire drivers license for almost two decades from 1979.

Cycling experience

- Over 70 years ago with one of Dad's old cycles – no gears and pedal brake!
- Circa 1995 graduated to a compliant 30cc petrol motor assisted Sach bicycle.
- Circa 2009 when petrol assisted bicycles made illegal bought the first of several compliant e-bikes.
- 1995 cycling has been the primary form of transport used for all activities.
- Ride daily for exercise up to 50km (park gym circuits) and for business.
- E-bikes, with pedal assist set low, give better exercise than a normal bike because of the extra weight.
- E-bike a lot safer on roads than normal bicycles, especially on hills when you then apply much more pedal assist power.

- E-bikes keep a straight steady line on steep grades and do not 'wander' like a struggling cyclist on a normal bike does.
- On own since 1995 so finds assisted cycling a more efficient way of personalized transport, far quicker, and definitely more healthy.
- (Motor vehicles are hired when required.)
- Regularly tours on e-bikes travelling up to 150km a day.
- E-bikes make it easier to do transport photographic work.
- E-bikes well equipped with accessories including long range and close up mirrors both sides, panniers, handle bar cam, and indicators until up graded to a helmet with built in indicators, head light, taillight and brake light and a helmet cam dual direction.
- E-bike has a high orange flag attached to the rear for safety.
- Often carry extra batteries for longer touring/business trips.
- All equipment meets Australian Standards nd is compliant with existing Queensland Road Rules and associated regulations

E-Personal Mobility device use

- Mobility scooter user for heavy shopping since 2018 (Knee replacement).
- Mobility scooter sometimes used when health means unable to cycle.
- Mobility scooter is equipment with a dash cam.
- Mobility Scooter has a high orange flag attached to the rear for safety.

Memberships

- 1965 South Pacific Electric Railway
- 1968 Australian Electric Traction Association
- 1968 Light Railway Transport League
- Involved with the Chartered Institute of Transport while chairing policy committee.

Other experience

- Manager of Transport for VIPs and Technical Officials St Leos College, for the 1982 Commonwealth Games – vehicles, routes and scheduling.
- Primary School teacher from 1966 and Special Education teacher from 1972. Majors in Psychology and Computing.
- Member of the Australian College of Education (till 2004)
- A pioneer in computers in education and taking the Internet out of the universities and into the public arena in the 1980 and 90s – APANA Inc.
- Computer software and Network Engineer from the 1980s
- Web designer.
- Professional historian (Fellow Royal Historical Society of Queensland)
- Author of over 60 books, papers and articles on history and transport policy. Several are in the Queensland Parliamentary Library. The main transport policy document is *Wanted Brisbane Dead or Alive in '75.* This expanded on the Wilber Smith Reports of 1965 and 1970 and formed the basis of transport planning up to the 2000s (while still had direct input into policy)

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To The Honorable Pat Weir Speaker of the House Parliament of Queensland

Mister Speaker,

Australian Transport Research has much pleasure in tendering to you for consideration by the Parliament's State Development, Infrastructure and Works Committee a detailed submission on the *Transport and Other Legislation (Managing E-Mobility Use and Protecting our Communities) amendment bill* currently under committee scrutiny for the current session of Parliament.

This submission is to be read in conjunction with the two documents of comments already submitted to you prior to the Committee calling for formal submissions – *Comments on the report's recommendations* and *Additional Comments recommendations 1 and 2*.

It is hoped the Committee will find these of use in considering the *Transport and Other Legislation (Managing E-Mobility Use and Protecting our Communities) Amendment Bill.*

Garry R. Ford,

Chair of Australian Transport Research

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DETAILED SUBMISSION ON *Transport and Other Legislation (Managing E-Mobility Use and Protecting our Communities) Amendment Bill*

Recommendation 1 of the *Report Number 21 to the 58th Parliament of Queensland, February 2026, Inquiry into e-mobility safety and use in Queensland*, states:

> 'That the Queensland Government continues to recognize that compliant e-mobility devices, when used safely and responsibly, form a viable and valuable component of the state's transport system by providing convenient and affordable short trip options, reducing car dependence, supporting environmental objectives, and removing mobility barriers and enhancing independence for some members of the community.'

PREAMBLE

1. Unfortunately, while in the main the *Transport and Other Legislation (Managing E-Mobility Use and Protecting our Communities) Amendment Bill* (Bill) does exactly what it states it is intended to do, in places in does the exact opposite to Recommendation 1, and is discriminatory to existing cyclists and e-bike riders.

2. The problem is that e-bikes are normal cycles, with an addition of one or more low powered electric motors included as part of the manufacturing process of the cycle. There are also compliant (to the new proposed legislation) 'add-on' to a normal cycle kits available. Further, when it comes to modifications to existing compliant e-bikes and any cycle, nowhere are said modifications actually defined.

3. There are also problems with some of the amendments proposed to the:

    a) Police Powers and Responsibility Act 2000;
    b) State Penalties Enforcement Act of 1999;
    c) Summary Offences Act 2005;
    d) Transport Operations (Road Use Management Act) 1995; and
    e) Transport Operations (Road Use Management–Road Rules) Regulation 2009

    all as amended.

4. The Bill also makes assumptions which cannot apply to cycles and personal mobility devices. The main assumption is that all terrain is perfectly flat and level. Another is that all personal mobility devices are powered, although it does make a distinction in some sections.

5. The end result in the Bill is that it will, in effect, render redundant several hundred million dollars, if not over 1 billion, of council and government spending on bike paths, some built exclusively for bike use only as a form of fast efficient green transport options in line with Recommendation 1. e.g.:

    - V1
    - Centenary Bikeway
    - Northern Bikeway,
    - pop-up bikeways in the CBD, inner city and some suburbs (Wooloowin),
    - Bicentennial Bikeway to UQ
    - Schonnell Bridge Bikeway, and
    - the new bikeway at Dutton Park, part of the Cross-river Rail Project.

    One portion of the V1 between Birdwood Rd and Gaza Road/Mt Nathan, mostly elevated and 1.6km in length, cost $47 million to build. This is built for high-speed cycle travel.

    The completion of the V1 to the border was budgeted at $625 million some years ago.

6. Where no comments on a clause have been made Australian Transport Research accepts them as is unless other amendments radically change the meaning of a particular clause.

DETAILED PROBLEMS

PART 2 – *Police Powers and Responsibility Act 2000*

Chapter 4 Motor vehicle impounding and immobilising powers for prescribed offences and motorbike noise direction offences Part 1 Division 1, s69 '

The definition **'modify a motor vehicl**e', includes remove the engine or gearbox from the motor vehicle. Nowhere is that defined referencing an e-bike, e-scooter, cycle or other device in accordance with changes to acts 3(d) and 3(e) above.

Division 1D section 75 'Particular powers for impounding or immobilising motor vehicles already gives similar powers of entry' as clause 8 below is conferring but Clause 8 expands the powers of police to enter a dwelling uninvited or without a warrant.

Section 19 General power to enter to make inquiries, investigations or serve documents expressly limits this power of entry. If a dwelling entry powers are limited to that part that is not a dwelling and the right to use minimum force (subjective) to enter the place without consent.

Clause 8 – insertion of new ch 4A, Removal and destruction powers for prohibited bikes on roads or in public places, Part 2 Seizing prohibited bikes sections 123D, 124E and 123V.

Firstly, the title says 'prohibited bikes.' Where are other prohibited vehicles dealt with? Should not this include all personal mobility devices since they are restricted in road use. Some of those devices are illegal as they exceed the 25 km/h speed limit. The words 'and other devices' should be added between 'bikes' and 'on road' and on each other occurrence. Otherwise it makes out that e-bike riders are being discriminated against and highlights the current media campaign solely against electric motor bikes.

The entirety of Chapter 3 of the *Police Powers and Responsibility Act* relating to vehicles and traffic lay down the powers precisely. One presumes the following sections will be governed by those to a degree.

These changes proposed below seems to enlarge the powers that police have regarding existing motor-vehicles as stated above and nowhere is there a definition for 'modify' that encompasses e-bikes and e-scooters in sections 69 and 75.

123D …–attended seizure

This section has an area open to abuse.

(1)(a) is the problem, in particular the words 'whether or not the vehicle is on a road'.

While the intention is obviously to include road related areas, bike paths, shared baths, and public places it does not say this. Any police officer could interpret this as giving him the right to enter a fenced or unfenced private property and seize the vehicle being ridden only there.

123E … –unattended seizure

As in 123D this gives a police officer extraordinary powers when visiting private property for whatever other reason might be the real intention of entry i.e. looking for any suspected illegal activity.

Many of these devices, including e-bikes, are quite small and can fold up and be easily carried, in a small suitcase or carry bag. Therefore the entire structure, including the dwelling area, would need to be searched for seizure to take place.

Unless the police officer physically sees the device being ridden on a roadway and follows it to where the device is left, usually inside a property building, then he has no grounds whatsoever for assuming it has been ridden illegally as per section

123C, but he might have been told so by a third party, whose motive could be suspect.

The vehicle in question is legally in the possession of the owner on his premises. Whether it is compliant or not is immaterial as there is 'no proof' of it being used illegally.

The police already have provisions for doing this in relation to existing motor vehicles involved in suspected offences, under sections 54 to 56 as stated in section 57 but there is a size factor involved here that makes using those provisions for an e-bike or personal mobility device ineffective.

A large motor vehicle is easy to see and cannot kept in the 'dwelling portion' of a building: a small item or one folded up and in a bag can be anywhere in the building, most likely in the dwelling area. S19 currently limits the power of entry regarding motor vehicles to the part of the building that is 'not a dwelling'. Proposed s123E expands these powers very significantly granting 'right-of-entry' to every portion of a building, including the dwelling portion.

'Reasonable suspicion' is very flexible and open to interpretation and abuse of power.

This was obviously included so the police could act against those 'hooning' on e-devices and shared e-mobility providers as is indicated by **123F** but no distinction is made between a 'shared e-mobility provider' and a normal law abiding private citizen in his place of residence.

Police already have the use of 'Welfare Checks' and existing powers relating to motor vehicle use to enter properties without a warrant. Section 123E extends these powers far further and could lead to wide spread abuse of these powers by those police officers who do not mind finding 'flexibilities in the law' to avoid getting a warrant to enter premises for the real reason they are actually wanting to do so.

True, many of these 'hoons' probably are engaged in other illegal activities as well, but there is a vast difference in the age group that is involved to when the existing powers are used regarding motor vehicles.

Part 5 Forfeiture and disposal of prohibited e-bikes

Firstly, the title says 'prohibited bikes.' Where are other prohibited vehicles dealt with? Should not this include all personal mobility devices since they are restricted in road use. Some of those devices are illegal as they exceed the 25 km/h speed limit. The words 'and other devices' should be added between 'bikes' and 'on road' and on each other occurrence.

At no point in sections 123P through 123S is there any mention of compensation for wrongful seizure and disposal as applies to motor vehicles at present under section 121A. Further as the EPAC European standards only date back to 2017, what happens regarding e-bikes that were compliant prior to their introduction and are now non-compliant for whatsoever reason? Gun owners were compensated for loss of weapons now deemed illegal. The same should apply to e-bikes now deemed illegal, not just a 6 months grace period to try to make them legal, which in many cases cannot be done without the full co-operation of the manufacturer.

123S

This compounds the issue of monetary loss to the owner by making the owner liable for the total costs of disposal! Part 6 123T prohibits any further review of the decision in any manner whatsoever unless the Supreme Court decides there has been a judicial error in the process. The cost of such court proceedings effectively prohibit anyone from challenging such a decision. This is another discriminatory aspect of the Bill.

123V Protection from liability

This clause is essential for the protection of police officers or other legally entitled persons carrying out their dutiful functions in accordance with the law, however, the entire section fails on the wording in 'good faith and without negligence.

The problem is further compounded by subsection (4) whereby if subsections (1) or (2) do not apply, liability attaches to the state.

What happens if an officer does not act in 'good faith and without negligence' or either of those conditions. One presumes then that the state is held liable, but is not said if the officer is also liable. That is a grey area that needs fixing.

Like 'Reasonable suspicion', 'Good faith' is very open to interpretation.

Clause 9 …–s686 (Application of Parts 3)

Section 123C is inserted, but not sections 123D and 123E. Why? Surely 123D and 123E should also be inserted.

Clause 10 …–s747 (definitions for Chapter)

It is assumed the wording 'see the Road Use Management Act, schedule 4' is used to avoid having to amend this Act should the definition be changed in the *Transport Operations (Road Use Management) Act 1995,* as per other definitions in Schedule 6 Dictionary.

Clause 11 …s754 (Evasion offence)

754(1)

In other section of the bill 'cycle driver' has been amended to 'cycle rider'. Should not all occurrences of 'rider' be used consistently used through the bill to avoid confusion; 'driver' should be changed to 'rider' everywhere in reference to cyclists and personal mobility device users. That then removes the need for the insertion in 754(9) perhaps although 'drive' is a different word and has a different meaning to 'ride'.

PART 3 – *State Penalties Enforcement Act 1999*

Clause 15 …s 5 Act has limited application to children)

(c) (i)

Does this prevent an e-device user carrying a bottle of say kerosene or mineral turpentine or white spirits as part of shopping in a carrier basket on an e-bike? This restriction does not seem to apply to other vehicles. Is there a quantity limit or is this completely ignored with vehicles? Why actually is it here in any case? Explosives or the like?

PART 5 – *Summary offence Act 2005*

Clause 20 insertion of new 19AA

This seems to the primary reason that this bill being introduced to Parliament.

There has been a well orchestrated and very misleading media campaign demonise all e-bike riders based on a couple of incidents; constantly recycled in the media each time e-bikes are used. This campaign has a hidden addenda that has nothing to do with e-bike and e-scooter use, but more to do with crime fighting as many of the clauses attest.

Australian Transport Research (ATR) totally supports clauses 20 through 23.

ATR in no way supports the deliberate and totally misleading campaign being waged by the QPS and the media regarding e-bikes in general. All bikes that are shown in the media and referred to by the police and that appear to be involved in accidents are high powered wide tyred electric motor bikes, and not proper e-bikes as defined by even existed EPAC standards. This campaign reeks of the same deliberate attempts to mould public opinion that police forces world over use to gain more power and control. Campaigns such as 'speed kills', and 'don't drink and drive' are all scare based campaigns. The topics are valid but they way they are used should be carefully monitored to ensure they do not lose effectiveness through over and misuse.

The campaign that is totally irrelevant and has completely lost its impact is the 'Road Toll'.

In the 1950s there was still an advertising board in that little plot of land on the corner of Adelaide and Queen streets that showed how many days since the last FATAL ACCIDENT (Just like many work places still have for showing how many 'safe' days since the last accident.) NOT since the last road death! The number of fatal accidents has actual real meaning: the number of fatalities is a useless meaningless figure that bears absolutely no relationship to reality. Two coaches could meet head on and kill all of the 96 passengers and crew on board. Oh! The road toll has a massive spike yet in reality only one fatal accident occurred. There also no account made for adjusting the figures for population increase.

These shock and awe scare tactics have again been used to frighten the public that e-bikes (have not included e-scooters as they can be a menace that is regulated) must be strictly regulated. No attempt though appears anywhere in the proposed legislation to regulate other cycles which are far more numerous and more of nuisance and danger to pedestrians and other users of roads and road related areas.

A factor in the danger to pedestrians and others, many say is 'mass' (weight) of the object: the heavier the object the more damage it can inflict. That is true, but is being used without understanding of the real facts.

That 'mass' argument applies to normal cycles as well as e-cycles. A carbon fibre racing cycle can be as light as 5kg according to Union Cycliste International (UCI)[the govern body of international cycling] regulations, however a normal aluminum or even steel road bike or BMX can weigh 20kg or more.

Compliant e-bikes range from 10kg for a carbon fibre framed one to around 21kg one for an aluminum framed one. Some non-carbon fibre e-bikes ones can weigh as little as 10kg. For e-bikes these weights include the battery which weighs around 3kg or slightly more if a larger amp hour capacity and the motor which typically weighs 1 kg or less.

The totally misleading anti-e-bike campaign has been wagged based on devices that are not e-bikes; devices that have never had a legal right to be on our roads.

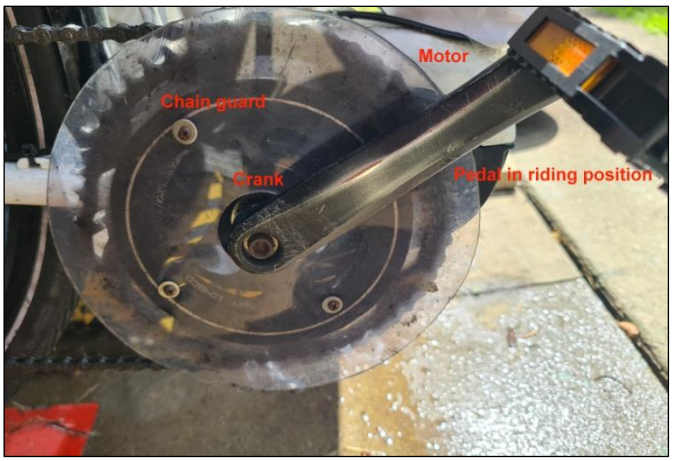
These matters should be born in mind when looking at this discriminatory legislation fairly and objectively, and not through the eyes of a well orchestrated media campaign which only appears to give more power to the QPS and works contrary to recommendation 1 of the Committee which the government says it accepts in its entirety: speed restrictions, and possibly modifications, once a 'modification' is defined, will remove or render much of the current purpose built bike infrastructure useless for commuting purposes, unless many of the proposed clauses are amended and some extra ones inserted.

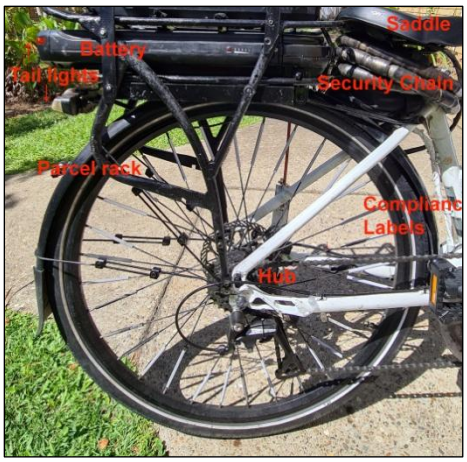
The photos below show a typical 700c compliant e-bike. Notice the width of the tyres and construction of the frame: nothing like the 'pretend' e-bikes (electric motor bikes) being used to get public support for in effect, banning their use anywhere except on roads!

LEFT Front wheel. Sometimes the hub is larger because a motor is fitted.

RIGHT Rear wheel. Sometimes the hub is larger because a motor is fitted.

The e-bike pictured above and below is a pre-2017 one and is set up for touring as well as commuting.





LEFT The crank of a mid-drive e-bike. Notice the motor is just visible top right. It is almost the same size as the crank ring gear. The crank shaft actually is the drive shaft of the motor itself, just as the axle is with wheel mounted motors.

RIGHT The battery mounted on a carrier frame. Many newer more compact e-bikes have the battery built into the frame.

Most early e-bikes were a standard bike frame with a motor on either front of rear wheel and a battery mounted on a parcel rack or the frame. Motors are not built into frame except the mid-frame versions. E-bike kits supplied were these extra items – motorised wheel, battery, and controller. Basically the only difference to today's e-bikes were the parts were added to a conventional bike rather than them being put on prior to purchase by the manufacturer. Several importers actually had manufacturers design e-bikes branded with their name, such as Dillenger on the Gold Coast.

Hospital figures regarding e-bike accidents are also very suspect. Would the accident still have happened had the person been riding a non-powered device? Are distinctions made been bicycle and e-bike accidents? Was the e-bike being ridden a compliant e-bike under current legislation?

Really, these hospital figures really do not carry much weight and are subject to what information the treating medical staff were given.

Clauses 24 to 26 Governing sale of particular vehicles to children under 16

These clauses are fully supported by ATR. If these devices are not sold in the first place, then they cannot be misused. ATR realises there is a valid use for many of these devices off-road on private property, such as for rounding up stock on a property. Therefore these devices cannot be banned, simply restricted in use. The only objection that might be reasonably made is that these clauses could place restrictions on the sale to farmers, but if said farmer wants one of these devices for his property, why would he send someone under 16 to purchase it.

PART 6 – *Transport Operations (Road Use Management) Act 1995*

Clause 31 Insertion of a new s 6

6 What is a prohibited-bike

1 (c) 4 wheeled (quad-cycles) have been omitted.

Clause 32 Insertion of new s 34A

34A Power to require testing…

2 and 3 in particular 2(b).

A situation similar to 'Daniel's Law' could arise in the case of children, elderly, or even any person. If the vehicle is taken from them they are left stranded. They may not have any money, be on an area where pedestrians are prohibited, or for some other reason be in danger.

2 (b) needs to be modified or a **new 2(d)** inserted that says: 'an officer cannot do anything that will endanger the safety of the person if the vehicle is taken from the rider or, by removing the vehicle, cause the rider to be committing a further offence (applies to a bicycle or pedestrian prohibited area). The officer must take reasonable steps to ensure the rider is not put in such positions.'

Clause 33 insertion of new s 48AA

48AA (5) pages 53 line 19.

While it is basic law that a person is not required to self-incriminate, surely that should only apply if the provider is a sole-trader or a non-incorporated business. Incorporated bodies should not be subject to that method of avoiding co-operating with authorities especially since (6) particularly exempts employees from (5). Any director of an incorporated body is an employee, even if the body has only one director on the board. The board of the incorporated body employs said person, not the said person.

Clause 34 insertion of new ss 78B – 78D

This is probably the most discriminatory and ineffective section of the entire proposed bill. It is dividing and distinguishing between cycle riders from e-cycle riders without any valid reason and completely ignoring the main offenders against the Road Rules, pedestrians, motorists, and some cyclists. It will render much existing bikeway infrastructure, useless for its intended purpose – fast alternative commuting.

As mentioned previously in the comments on Part 5 – Amendments *Summary Offences Act* page 10 line e-bikes

> That 'mass' argument applies to normal cycles as well as e-cycles. A carbon fibre racing cycle can be as light as 5kg according to Union Cycliste International (UCI)[the govern body of international cycling] regulations, however a normal aluminum or even steel road bike or BMX can be 20kg or more.
>
> Compliant e-bikes range from 10kg for a carbon fibre framed one to around 21kg one for an aluminum framed one. Some non-carbon fibre e-bikes ones can weigh as little as 10kg. For e-bikes these weights include the battery which weighs around 3kg or slightly more if a larger amp hour capacity and the motor which typically weighs 1 kg or less.

The entire premise of these changes appears to be that e-bikes are more likely to injure than a normal cycle. No compliant e-bike, not electric motor bikes the police refer to has e-bikes for boosting an otherwise weak case, is any more dangerous than a normal cycle. In fact, because of the motor assist, they are safer than a normal cycle at slow speed. Most existing bicycles on the roads are heavier that many compliant e-bikes.

Because existing cyclists on non-power assisted devices do not need a license, why should those who ride e-bikes now require one. There are many cyclists who have complete disregards for the law riding through red lights, riding on the wrong side of the road, riding dangerously through groups of pedestrians, and generally ignoring more aspects of the Road Rules. Even a previous spokesman (over seven years ago) for Bicycle Queensland (BQ) is on record as saying 'riders (male) shouldn't have a bell on their bike in case they go over the handle bars [damage to groin area]'. That is one reason why many people are wary of what BQ says. That reason is ONLY valid in a race situation on a course or closed roads as at any other time it violates the Road Rules regarding a warning device being required under section 258 of the Road Rules. The only exception might be if it is being ridden to a race venue, as is provided in new section 84B(2)(a).

While on this point, a lot of what is regarded as contentious, such as age restrictions, already apply under Part 15 sections 245, 245A, 246 and 246A.

The biggest danger to pedestrians, cyclists, and PMD users is the failure of motor vehicle drivers to observe section 224 (sounding a horn) and sections 74 and 75 – giving way entering or leaving adjacent land.

Once it was required you stopped at the property line and checked for pedestrians and other vehicles on the footpath (road related area) and carriageway (road) before entering said carriageway (road). You were also required to sound your horn as a warning. The latter still occurs in the CBD at concealed exits from shop service roads – many have flashing lights and a horn device automatically activated. In the suburbs drivers just 'charge out' in shopping centres and from private homes, simply, perhaps, looking right for on-coming road traffic, expecting users on the road related areas to give way to them, rather than actually obey section 74.

The other dangers to all road-related area users, is giving way and stopping generally under Part 7 Giving way. Most drivers ignore the provision of giving way to pedestrians,

riders of cycles or personal mobility devices, especially at 'Left turn anytime with care' signs. They then often block the intersection, particularly in peak periods where a continuous line of vehicle stop the use of the ramp provided for strollers, walkers, personal mobility devices, and cycles.

Now these are offences regularly being committed by licensed motorists in their thousands every day, yet it is extremely rare to actually see the QPS charge anyone with an offence (usually only if there is an accident). The excuse used is 'police do not want to get a bad reputation for enforcing minor infringements', instead concentrating on the big money and kudos earners – Speed and drink driving! ATR is not saying this should not be the case, but simply that breakers of the minor laws are more likely to break the major ones.

Many cyclist also flaunt these laws and many other as well and are rarely, if ever, charged. The majority of cyclists already hold a drivers license and should be familiar with the Road Rules.

The series of photographs below are the latest incidents recorded by bike/helmet cam of cyclists and –e-scooter riders deliberately flaunting the law, and in the case of this cyclist in the first series of pictures actually assaulting the rider because he was told he was breaking the law!

The time code from the legal helmet cam fitted to a compliant helmet gives the date and time in hours, minutes and seconds from just after they arrived at the crossing on the V1 at Birdwood Road, Holland Park West, and started to cross against the red cyclist light. They were forced to stop because of the white van, otherwise they would have gone straight across.

Not stopping at the lights here is quite common. Often the lights do not register cyclists approaching, but the buttons are there to push, like the photographer did on the opposite side of the road.

ABOVE Photographs taken at Birdwood Road bicycle crossing signals.

The cyclist deliberately tried to hit the photographer's bike as he crossed which was parallel to the gutter as he had stopped to not block the ramp. The offending cyclist then stopped and ran back to assault the photographer and do rude gestures.

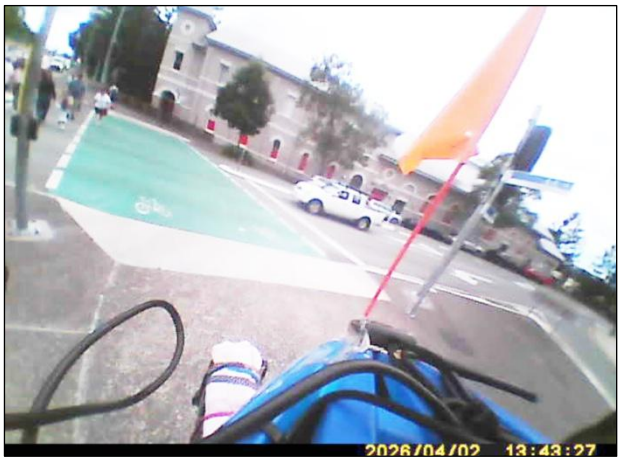
These types of incidents are common with motorists and cyclists who pay little attention to the fact they are being filmed. This cyclist was informed his photograph would be in this document.

The most notorious place for both cyclists and pedestrians totally disregarding the law is at the Stanely, Vulture, Graham and Dock streets intersection, South Brisbane.

The above photos speak for themselves. Cyclist walking his bike across against the signals in front of on-coming vehicles forcing them to deviate; pedestrians in bike only areas; and a red car driving through a crossing that already has people on it! (look behind the red car.)

Even more disturbing few pedestrians have absolutely no idea of the Road Rules and in fact think they do not apply to them, except perhaps at pedestrian crossings. I doubt anyone questioned, including committee members, would know fully the contents of Part 14 Rules for pedestrians, especially where it relates to current interaction with bicycles, etc. and walking on shared pathways or NOT walking on bike only areas even when painted green to distinguish them, in particular sections 228, 236, and 239. Yet pedestrians think that if they are hit by a cyclist or some one on a personal mobility device, that rider is at fault, NOT the pedestrian acting illegally and deliberately causing an accident. <u>The idea of a e-bike license for riders is so they know the law, is it not? What about pedestrians knowing the law.</u>

While it is against section 253 for a cyclist (or PMD rider) move into the path of a pedestrian or motor vehicle, nothing is said about said pedestrian or motor vehicle deliberately moving into the path of an approaching cyclist (or PMD user). Often this is unintentional as the pedestrian has no realisation that by law the approaching rider on a device has to keep to the left. Once it was an ordinance pedestrians kept to the left on footpaths and in the former Traffic Act they had to do so on crossings as well. It is still law on many shared pathways and shared bikeways where a white centre line is painted, but it is NOT enforced. <u>Signs saying 20 penalty point fine need erecting.</u>



LEFT This woman already told it was illegal for pedestrians to use the green area, yet still did.

RIGHT This student from QUT possibly, did not care that he was walking in the bike only area.

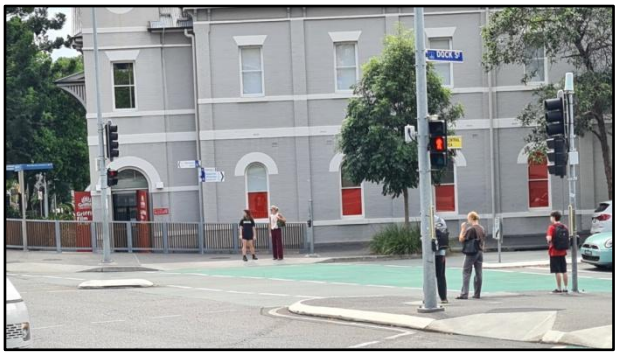
The following series of photographs show offenders in a quiet time over a period of twelve minutes. There is no overcrowding of the pedestrian crossing people often use as the excuse to use the cycle crossing at peak times.

Again, all photos are taken at the Stanley, Vulture, Graham and Dock streets crossings.







All these photos above speak for themselves. People are blatantly disregarding the Road Rules laid down in Part 14, as applied to pedestrians., particularly sections 228, 236, and 239. The last three photographs are an example where these people are obviously visitors using a mobile app to find a hostel or hotel and they are not familiar with the rules. This is an area that needs addressing for all arriving visitors with a basic handout leaflet covering e-bike and e-scooter hire and using pedestrian and bike areas. This matter is further addressed in comments on Clause 60 below.

Matters are further complicated by pedestrians moving with eyes fixed on their mobile phone map or talking on the phone. This should be an offence, but used only if there is an accident, as appears to be the current modus operandi with most of the existing road rules, especially those aimed at pedestrians.

One cannot selfishly expect every other user of the road related area to look out for a person too engrossed in their self-importance to stop moving while they are using said device. If the argument is that e-scooter and e-bike users need licenses to know the Road Rules, then so do pedestrians need one!

Yet, despite the QPS currently not enforcing the existing laws they want yet more power by requiring a license. All this does is increase the bureaucracy, give justification for more staff and a larger budget, yet solves no issues, which really lie with irresponsible pedestrian and e-scooter riders behavior in the main, nor e-bike riders.

Many years ago when the chair was still teaching one young police constable was telling young children to ride their bicycles on the road against oncoming traffic for safety; hardly enforcing the road rules. Likewise, the official government information for mobility device users (medical) advises a similar course of action if they are required to drive on the road because of no or impassable footpath. This is probably valid as it is in line with pedestrians walking against on-coming traffic on roads and the speeds are similar.

The original *Traffic Acts of 1905* as amended in 1910, encompassed a total of fourteen pages and the accompanying regulations, a further eleven pages; grand total 25 pages. By contrast today that simple document has expanded to thousands of pages and been broken up into several related acts. No wonder people, including police officers, do not know it all, and therefore often do not enforce basic rules of safety for all.

Therefore, the entire argument for introducing a license for electrically power-assisted cycles or personality devices serves no purpose whatsoever: existing cyclists and motor vehicle users and pedestrians fail to observe the existing laws.

The only way licensing has any merit is if it applies to ALL users, including pedestrians, of the roads and road related areas, paths, bikeways, etc. equally and fairly. This current Bill does not meet that criteria.

Pedestrians, cyclist (people powered vehicles including sedan chairs and litters), ridden animals, and animal drawn vehicles have had a right to use what we call roads in the true sense under common law dating back to the beginning of civilization. True, there have been some regulation from time to time, even the Roman Empire governed chariot use in towns, but the right has always existed.

Motor vehicle, meaning the automobile and related vehicles, use has always been a privilege granted, as is the license given to drive such a vehicle. In Queensland this commenced with the *Traffic Acts of 1905* which amalgamated all the various local authority regulations that had been being made state wide from circa 1895.

Australian Transport Research agrees there is merit in the proposal outlined in 78B as ALL road users should know the basic Road Rules for their own safety.
Accordingly, **it does support 79B providing it is amended as follows:**

78B

after (1)(b) (ii) insert 'or' and a new
(iii) a valid digital or certified hard copy certificate of competency

An alternate wording could delete both (1)(b)(i) & (ii) and replace with a new
(i) A valid Australian drivers license or
(ii) a valid digital or certified hard copy certificate of competency
The reason for this second version is that Road Rules outside of Australia can vary considerably from Australian/Queensland Road Rules.

78C is also supported with the same proviso.

78C after (1)(b) (ii) insert a new
(iii) a valid digital or certified hard copy certificate of competency
or the alternate wording for 78B

Other changes will involve all references to 'license' in regards to e-bikes and e-devices including 'certificate of competency'.

Add to definitions

'Certificate of Competency – A document granted after the bearer completes a test on the Road Rules with particular emphasis on using of e-devices on road related areas, paths, shared paths, bike paths and other areas defined for use by e-device. The test will be conducted online by the intended user. It can be done at the point of purchase or at another time. The certificate granted at the completion of the test can be stored on a mobile phone or printed out and certified, and a copy of the test and certificate stored by the conducting authority, preferably Transport and Main Roads (TMR). There shall be no charge for the test or certificate of competency. A certificate of competency must be obtained before retail purchase or hire of said e-device.' This needs to be inserted in the area regarding sale and hire of e-devicesas well.

'driver's license add to the existing definition
(b)… or
(c) a certificate of competency.

Currently visitors from other jurisdictions cannot always have points deducted from their drivers licenses, especially if from outside the Commonwealth of Australia. Neither is there any guarantee what they claim is a valid license is in fact such. By having a 'certificate of competency' that removes the problem completely. Those persons hiring an e-device can do a 'certificate of competency test' the first time they hire a device from the hiring company in Queensland. The hiring company's site can include a link to TMR or whoever conducts the test, and such site will issue the 'Certificate of Competency' to the hiring company and its hiring customer before activation.

The reason no costs should be involved is because it is all done electronically. The only justification for my charge would be for a certified printed out copy of the certificate. Any charges for such a test can only been seen as 'revenue raising' as the only real cost is that of electricity and storage. There will of course be an initial cost to set the system up, but the existing learner's permit system can be easily adapted for little cost.

Why burden visitors and locals who may never want a driver's license with the added expense of obtaining one, or at least a learner's permit, at an ever increasing cost.

We need to encourage tourism, especially from overseas, not discourage it by placing unnecessary further expenses to the already costly entry fees.

These suggested changes above overcome all objections to licensing that have been raised, including for those without a license who currently use medical personal mobility devices. It means that the common law rights of people are not being denied.

There is no reason necessarily to have demerit points applied to the 'Certificate of Competency', except perhaps for those riding e-devices in a commercial capacity. For this reason **Clause 15 of this bill – Amendment of s 5 (act has limited application)** should still apply. It could be amended in (2) Section 5(5) (3) include 'certificate of Competency' in the definition of 'drivers license'.

Further, this proposal removes the stigma from the government that this is just another revenue raising move and unjustified police power increase.

Clause 36 Amendment of s 80 (breath tests…)

The ATR is very happy with these amendments as it now defines bicycles and other personal mobility devices as being required to give breath samples, etc. This was previously a grey area of the law. However, there are some reservations.

Proposed (22AD)

There are no objections to this clause, but simply the reservation that a bicycle and personal mobility device, unlike a motor vehicle cannot necessarily be secured if the rider has to abandon it in some place because of a prohibition on riding. The problems extend through to proposed 22DA.

Where the device is abandoned it could become a hazard on roads, road related areas, paths, bike paths, etc. Further, as these devices are quite portable and in some cases have no provision from immobilizing them (some e-scooters require a card and pin) they can be easily stolen if left unattended.

Some provision needs to be made in the bill for the removal of the said device to a secure safe location.

Clause 38 Insertion of new ss 84B and 84C

The problem arises with s 84C in particular 84C (2)(b).

Now the current EPAC standard did not come into force until 2017. (see Appendix).

What happens to devices purchased prior to that date? They will not have an EPAC standard label attached or an outdated one. Even devices purchased after 2017 may have lost their label through use. The normal location on a bicycle is the bottom rear of the seat post/tube. This area is the area least open to damage, but if the bicycle has no or short rear mud guard (Many bicycles, particularly those used in racing and off-road do not because of the extra weight factor.) then the sticker is open to abrasion and general wear and tear from items such as small stones thrown up my the rear wheel.

Thus, this is almost impossible to enforce. Will the use of the proposed Clause 40 overcome these problems, doubtful since it relies on the EPAC standard.

Compensation similar to gun buy-back scheme needed

Regarding those devices purchased prior to 2017 that were compliant with legislation at the time, the owners must be compensated for the device now being made illegal. This precedent has already been set with the gun buy-back schemes from 1996 and later dates.

In addition, when seat belts and indicators were introduced, older vehicles did not need to be modified unless the registered ownership changed. Some were mechanically impossible to safely fit seat belts and the legislation did not apply to vintage and veteran vehicles.

Clauses 40 to 42 regarding approved test devices

These proposed clauses present many challenges. Not all e-devices are designed the same and many have, built into them, various testing modes only accessible for workshop maintenance. Such testing equipment will/might have difficulty determining these from normal operating mode features.

For example some e-bikes have a 'walk facility' that over-rides the pedal assist function up to 6km/h. It is also accessed when the bike is on a workshop stand to run the bike through various testing procedures such as gear changing. A testing person cannot sit on a bike on a testing stand to use the pedals and the turning of them is a safety hazard to the worker: the pedal assist is usually over-ridden, as it is in the 'walking' mode.

Put simply, e-bikes have many features that comply with the EPAC standard (as appended) but which will show up as non-compliant during testing unless a complex testing rig is used and operated by well qualified personnel who fully understand all the variations in design of EPAC compliant devices.

Such equipment and conditions needed will mean testing will not be able to be done roadside or even locally, but only at specified locations, which because of the costs of setting up and running such locations, will be limited to one or two in the state – Brisbane and Townsville, and perhaps one in Rockhampton.

Clause 43 amendment of s 123SA (Evidence of …)

The objections to this clause follow on from the objections to clauses 40 to 42.

S123SA(1)

(g) What happens if the number plate has fallen off and the rider is not aware of the fact?

(h) It is recognized a VIN is needed for registration, but again, unless it is engraved, it can have fallen off or become unreadable.

(i) …modified is evidence that the cycle is not compliant with the EPAC standard.

This clause is redundant and can be contradictory to other clauses such as mentioned in the argument regarding clauses 40 through 42.

Further, what exactly does 'modified' mean.

'**Part 1 Division 1, 69** '

The definition "**modify a motor vehicl**e", includes remove the engine or gearbox from the motor vehicle.'

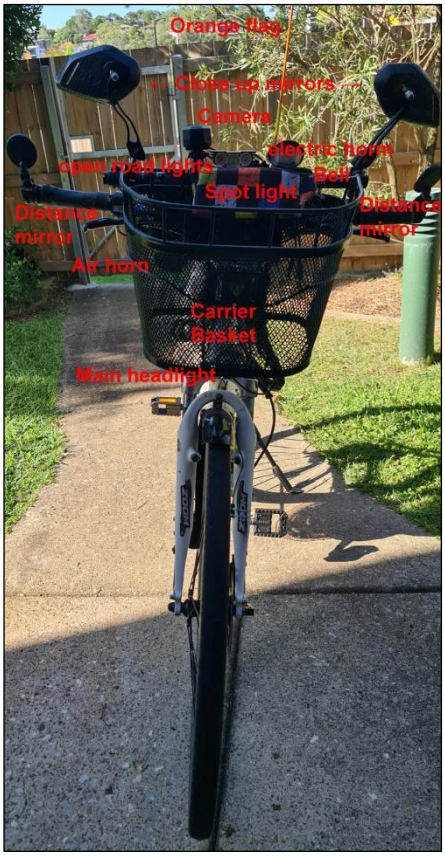
There appear to be no other definitions in the relevant acts or regulations.

Many owners do not leave their device in the condition it was bought: they add mud guards, carrier racks, carrier baskets, mirrors, hydraulic brakes, stands, orange flags, extra lights, indicator lights, horns, cameras, etc. These all improve the safety of the device making it easier to see and the owner easier to observe what is happening.

While some of these items are covered by the EPAC, not all are.

This proposed addition should either be removed or 'modified' defined fully in the definitions to include all possible additions an owner can make to his cycle for safety reasons. Then you will need to define what a 'safety device' is.

An e-bike set up for general use and touring is shown below. The extra lights are only used when on dark unlit roads or bikeways at night.



T

LEFT

This e-bike above has various safety items added – mirrors, camera, electric horn, air-horn, extra lights for on unlit roads, etc, A battery to power the extra lights. It also has a carrier designed to take Topeak panniers and a basket that clips on at the front. They are all modifications from the bike as purchased.

While on 'modifications' and standards, many e-scooters in particular have lights which are non-compliant. To this end a new addition is suggested by the ATR to section 259 below.

PART 15 Additional rules for bicycle and personal mobility device riders

S 259 Riding bicycles or personal mobility devices at night

New (d)

(i) the driver of a cycle or personal mobility device must have the headlight(s), wherever mounted on the device, adjusted so it focuses downwards no further than 20m ahead when riding on paths, shared paths and bike paths.

(ii) the headlight should not exceed 1200 lumens and not dazzle oncoming road users, riders or pedestrians.

(iii) when riding on open roads and unlit bike paths unlit extra lights may be used but they should not dazzle oncoming traffic.

(iv) so other users can see them is NOT a valid reason for breaching sub-sections (1) and (ii).

This is important because many e-scooters in particular have low mounted lights of very high lumens focused upwards rather than down and ahead. They blind oncoming motor traffic and riders and can cause riders to lose control.
Some cyclist also have over bright lights wrongly focused that dazzle.

Driving on roads is also dangerous for oncoming traffic just as sections 218 and 219 specify for motor vehicles.

Clause 45 insertion of new part 27

There are many problems with these proposed changes as outlined above in the argument on clauses 40 through 43.

S245(1) and (2)

It is realised a transitional process is required, however, the proposals in s245 (1) and (2) both in effect confiscate without compensation devices that were compliant with existing laws at the time of purchase, but are now an illegal device and not fit for the purpose they were purchased for. The owner is now out of pocket for the device purchased and also for the purchase of a new device that complies with the new standards defined in this bill. That is not fair and just.

Accordingly, compensation similar to gun buy-back scheme must be given to the legal owner of such devices. This will apply to devices purchased prior to the EPAC Standard of 2017 that were compliant with legislation at the time of purchase and all devices that were compliant with Queensland legislation at the time of purchase.

This precedent has already been set with the gun buy-back schemes from 1996 and later dates.

In addition, when seat belts and indicators introduced, older vehicles did not need to be modified unless the registered ownership changed. Some were mechanically impossible to safely fit seat belts and the legislation did not apply to vintage and veteran vehicles.

S246(3)

Refer back to the argument against clauses 40 through 43.

Clause 47 amendment of schedule 4.

(2) Schedule 4

The definition of 'modification/modify' needs to be inserted to this section to remove what is an extremely problematical area otherwise for the reasons stated in the argument for clause 8 p5 ln7 and clause 43 above p29 ln1.

Regarding the EPAC Standard (see Appendix), in the existing Act the maximum power wattage permitted is 200W. The EPAC adopted by the Australian Government as the standard for Australia specifies 250W as the maximum.

New South Wales used to have the maximum power output defined as 500w but recently reduced that to be in line with the new Australian Standard. Queensland has obviously taken the sensible path and lifted the maximum permissible power output to 250w.

This is an excellent move as otherwise e-bikes and other e-devices brought from interstate for holiday use would be illegal to operate in Queensland, thus penalizing tourists. Further, it is doubtful there are any manufacturers who are producing e-bikes and other e-devices with only a 200w maximum power output, as reputable

manufacturers adhere to the European EPAC, although some adhere to it as adopted in Canada where the maximum speed permitted is 32km/h. Many e-bikes often came into Australia pre-set to 32km/h cutout for pedal assist as a result.

Such bikes made to Canadian standards can be adjusted to the Australian EPAC standard in a workshop that knows the required code to access the software.

This is a very problematic area, as almost every e-bike sold can have its speed adjustable to meet the variations in the EPAC for the pedal assist cut-out.

It is totally impractical to insist that e-bikes and e-devices cannot have software whereby the pedal assist cut-out speed is able to be changed.

All that can be really said is that such devices must meet the EPAC standard while in operation in areas as defined by the Act. It should be illegal for a rider to change this setting for riding in such public places.

No manufacturer is going to make a device that is ONLY fit for use in a specified region, so the insistence on such a limit on software will mean e-devices will not be available for use in Queensland as no one is manufacturing devices to Queensland specifications!

PART 8 – *Transport Operations (Road Use Management- Road Rules) Regulation 2009*

Clause 52 …s15a

15A(2)(d)

Presumably this clause refers to medical personal mobility devices. Currently these are registered free-of-charge and have complimentary third party insurance.

Unfortunately, many people do not do the correct thing and register their medical personality device. Therefore this means such devices cannot be used anywhere this Act applies. It also leaves them liable for any damages action.

There needs to be a section inserted in the Road Rules that requires all medical personal mobility devices to be registered. As this has no costs involved whatsoever to the user, there is no grounds for objections. It is common practice for retailers of such devices to hand over copies of the required forms at time of purchase. This should be made mandatory as a condition of sale.

Perhaps it could be stipulated that the retailer is responsible for submitting the completed forms and affixing the supplied number plate before the purchased item is released to the customer. This usually happens when a new car is sold by a dealership.

Clause 54 …s 24B (speed limits …

New s24D

There is a problem with the reference to all 10km/h speed limits in regards to both bicycles and e-bike, but not with e-scooters.

First off, non-powered bicycles are currently not restricted to speed limits of 10 km/h for a very good reason. They become unstable at low speeds and the rider often has to zig-zag or wobble to remain upright at low speeds. Watch any cycling event involving a grade and this is self evident!

The problem with speed limits in relation to cycling is that the nature of the terrain dictates the speed that can be safely travelled. **Introducing a speed of 10km/h makes the extremely fallacious assumption that all terrain is perfectly level and flat with no imperfections whatsoever.** ATR has already submitted photographs in other submissions on this recommendation, which show just how

impractical such an idea is. See ATR's report on E-Bike Submission *Comments on the Report's recommendations* pp 8-15. The numerous imperfections are more likely to cause an accident at slower speeds where control is much harder. Bicycles are less stable and controllable at low speeds than e-bikes, so more accidents are caused by non-powered bicycles for that reason.

As already stated above in the argument for clause 20 and 34 a factor many say is the 'mass' (weight) of the object that makes it dangerous. They wrongly believe that compliant e-bikes are much more massive than a bicycle. That is because of the 'fake' news media campaign against e-bikes waged by the QPS using what are electric motor bikes, as being examples of why there should be speed limits!

In the main, there is little difference in weight of the base cycle, perhaps 4kg at the most. A carbon fibre racing cycle can be as light as 5kg according to Union Cycliste International (UCI)[the govern body of international cycling] regulations, however a normal aluminum or even steel road bike or BMX can be 20kg or more.

Compliant e-bikes range from 10kg for a carbon fibre one top around 21kg one for an aluminum one, both masses including the battery which weighs around 3kg or slightly more if a larger amp hour capacity, and the motor which typically weighs 1 kg or less.

Some **non-carbon fibre** e-bikes can weigh as little 12kg.

Motors can be either built into the hub of either the front wheel, the hub of the rear wheel (most common as better steering), or actually be part of the crank itself, known as a mid-drive. The latter type are the most efficient as they have smaller motors that weigh less and offer the advantage that the output uses the existing gears on the bike. Front and rear wheel motors direct-drive to the wheel and therefore have to be heavier and more powerful to gain the same advantage as a mid-drive motor. This then means more battery power is used and the distance

travelled using pedal assist can be up to or more than 50% less, plus such e-bikes usually weigh more than mid-drive ones.

Because the motor is mounted on the pedals themselves, with a mid-drive e-bike you are required to pedal to get any motor assistance, unlike on front and rear wheel drive e-bikes, where there is no connection between the motors and the pedals.

Therefore, since there is really no different in mass overall between e-bikes and bicycles there should be no regulation of speed on one and not the other.

Further, it has already been proven that on a shared pathway, the Goodwill Bridge, 10 km/h was dangerous to cyclists and pedestrians because of the instability of bicycles below 15-20km/h. The bridge is on a grade in both directions and pedestrians still cross into the paths of e-device riders or walk or jog in the green bicycle only area.

All imposing a 10 km/h limit is going to do is cause many more accidents with bicycles and e-bikes since to say you can go at any speed on a bicycle, but only 10 km/h on an e-bike has no basis in fact because of what is stated above. Further, e-bikes are more stable than normal bicycles at slower speeds because of the power assistance, but again, many weigh a lot less than normal bikes, particularly those now being sold, so they are far less likely to cause serious damage compared to a non-power assisted bicycle in a collision between a pedestrian or another e-device rider.

That said, e-scooters are far more dangerous as riders often weave through pedestrians at speed, something no bicycle or e-bike can do!

Clause 60 new s253A

Refer back to the photographs on pp 18 through 22 and the photographs on p 8 of Report on E-Bike Submission. True, the photo of school children is at a peak period, but it does highlight the problem in congested areas at peak periods where footpaths are often completely blocked by pedestrians, school children in particular. Supervision is needed at all bus stops used by school children after classes are finished.

253A Unreasonably obstruct…

Such as it is is excellent but a complimentary section needs to be added to Part 14.

253(1)

Existing section 253 should be numbered (1) and a new sub-section added that states

(2) The rider has a defence against a breach of section 253(1) if the pedestrian is in breach of sections 236 and or [new] 239AA. (p40 ln1 below)

Maximum penalty—20 penalty units.

Most pedestrians have absolutely no idea of the Road Rules and in fact think they do not apply to them, except perhaps at pedestrian crossings. I doubt anyone questioned, including committee members, would know fully the contents of Part 14 Rules for pedestrians, especially where it relates to current interaction with bicycles, etc. and walking on shared pathways or NOT walking on bike only areas in particular sections 228, 236, and 239. Yet pedestrians think that if they are hit by a cyclist or someone on a personal mobility device, that person is at fault, NOT the pedestrian acting illegally and deliberately causing an accident.

While cyclists and personal mobility device riders must ride with due care and attention and give way to pedestrians on footpaths, and it is against section 253 for a cyclist (or PMD rider) to move into the path of a pedestrian or motor vehicle, nothing is said about said pedestrian or motor vehicle deliberately moving into the path of an approaching cyclist (or PMD user).

Often this is unintentional as the pedestrian has no realisation that by law the approaching rider on a device has to keep to the left. Once it was a City Ordinance in Brisbane that pedestrians kept to the left on footpaths, and in the former Traffic Act they had do so on crossings as well. It is still law on many shared pathways and shared bikeways where a white centre line is painted, but it is NOT enforced.

Further complications are caused by pedestrians moving with eyes fixed on their mobile phone map or talking on the phone. This should be an offence included, but used only if there is an accident. One cannot expect every other user of the road related area to look out for a person too engrossed in their self-importance to stop moving while they are using said device.

It is all very well changing the legislation governing e-device use but, as is shown above, pedestrians must also accept regulation and be prepared to accept responsibility for their actions. Accordingly ATR suggests some very minor modifications to Part 14, Rules for Pedestrians.

Further changes need to the existing *Transport Operations (Road Use Management–Road Rules) Regulation 2009*

S236 needs amending

'Pedestrians not to cause a traffic hazard or obstruction

(1) A pedestrian must not cause a traffic hazard by moving into the path of a driver. Maximum penalty—20 penalty units.

(2) A pedestrian must not unreasonably obstruct the path of any driver or another pedestrian. Maximum penalty—20 penalty units.

(3) For subsection (2), a pedestrian does not unreasonably obstruct the path of another pedestrian only by travelling more slowly than other pedestrians.

(4) A pedestrian must not stand on, or move onto, a road—

(a) to solicit contributions, employment or business from an occupant of a vehicle; or

(b) to hitchhike; or

(c) to display an advertisement; or

(d) to sell things or offer things for sale; or

(e) to wash or clean, or offer to wash or clean, a vehicle's windscreen.

Maximum penalty—20 penalty units

Current as at 20 February 2026

To make it explicit as 'driver' does not appear include 'rider', replace all occurrences of 'driver' with 'driver or rider' in (1) and (2)

What is being suggested, it is not revolutionary, but simply common sense and good manners, once freely practiced by citizens.

Mobile phone use is already banned while driving: motorists are told to pullover.

Queensland Rail is constantly running campaigns to tell customers not to use mobile phones while using rail crossings or walking onto platforms. They warn of the dangers of audio devices interfering with the ability to hear oncoming trains.

Pedestrians walking or jogging on bike paths, <u>often on paths that are bicycles only such as the V1</u>, shared paths and footpaths listening to music, using a mobile phone either for calls or navigation are not moving with due care and attention. These selfish persons should not expect others to have to avoid them because they cannot be bothered looking or listening.

They do not notice pedestrians, cyclists or e-scooters approaching, do not hear bells or even loud electric horns – they usually hear an air horn – and simply do not care, but walk into stationary cycles and even fellow pedestrians. They similar are not aware of their surrounds and are thus walking dangerously without due care and attention.
The advent of wearable smart display glasses (currently readily available for under $800) projecting images in front of their eyes is only going to be a much bigger distraction, especially if they are listening to music or using a phone as well!

ATR is quite sure all committee members have all been walked into on the streets, or had to quickly change your walking course, by such rude inconsiderate people, mainly the younger generation, approaching.

This problem is only going to increase. It needs regulating now. Many so-called e-bike and e-scooter incidents are caused by the unpredictable behavior of these people. A rider can only do so much to avoid a collision, no matter what speed is being travelled. At 10km/h an accident is far more likely to happen on an e-bike as they have less control. E-scooter riders on the other hand, weave in and out of pedestrians often dangerously, something e-bike riders and cyclists cannot do.

ATR is not saying the proposed amendment should be strictly enforced, just enforced in the same manner as other sections of part 14 are: usually after an incident.

New 239AA Pedestrians using mobile phones

(1) A pedestrian using a mobile phone for any purpose or be wearing smart display glasses, headphones or similar devices in or over the ears while on a road, footpath, nature strip, path, segregated footpath, segregated footpath designed for the use of bicycles also, or bike path as defined in section 239(4) must be stationary and be to the side of or off the path in question while using said device.

(2) If a pedestrian is walking, jogging or running while using such devices they are in breach of this sub-section.

(3) If subsection (1) is breached then said pedestrian is in breach of s236.

(4) In this section—

pedestrian does not include a person travelling in or on a wheeled recreational device or a wheeled toy or using a motorised mobility device as defined in s239A.

Maximum penalty—20 penalty units.

One final general comment concerns Schedule 2.

Why is one of the most commonly seen signs at traffic lights not included – 'Left Turn Anytime With Care'? Is this because there is no basis in law for it to be? Unfortunately many drivers have absolutely zero understanding of this sign and think they can turn left and not give way to pedestrian, e-device users, and often other vehicles despite there being a give way line on the slip. Perhaps it is time these signs were all replaced with 'give way' signs.

APPENDIX

Referenced – https://standards.iteh.ai/catalog/standards/cen/abca92c1-32b2-4404-a51b-c5639d04d7d7/en-15194-2017a1-2023 on 2 April 2026

This European Standard applies to EPAC bicycles for private and commercial use with exception of EPAC intended for hire from unattended station.

This European Standard is intended to cover all common significant hazards, hazardous situations and events (see Clause 4) of electrically power assisted bicycles, when used as intended and under condition of misuse that are reasonably foreseeable by the manufacturer.

This European Standard is intended to cover electrically power assisted bicycles of a type which have a maximum continuous rated power of 0,25 kW, of which the output is progressively reduced and finally cut off as the EPAC reaches a speed of 25 km/h, or sooner, if the cyclist stops pedalling. This European Standard specifies requirements and test methods for engine power management systems, electrical circuits including the charging system for the design and assembly of electrically power assisted bicycles and sub-assemblies for systems having a rated voltage up to and including 48 V d.c. or integrated battery charger with a nominal 230 V a.c. input.

This European Standard specifies safety and safety related performance requirements for the design, assembly, and testing of EPAC bicycles and subassemblies intended for use on public roads, and lays down guidelines for instructions on the use and care of such bicycles.

This European Standard applies to EPAC bicycles that have a maximum saddle height of 635 mm or more and that are intended for use on public roads.
This European Standard is not applicable to EPACs which are manufactured before the date of its publication as EN.

OVERVIEW

EN 15194:2017+A1:2023 - published by CEN - is the European standard for **EPAC bicycles** (Electrically Power Assisted Cycles). It applies to EPACs for private and commercial use (except EPACs intended for hire from unattended stations) and sets safety, performance and testing requirements for e-bikes intended for public roads. The standard covers EPACs with a maximum continuous rated motor power of **0.25 kW** where assistance is progressively reduced and cut off by **25 km/h** (or earlier if pedalling stops). It applies to systems up to **48 V DC** or with integrated battery chargers having a **230 V AC** input and to bicycles with a saddle height of **635 mm or more**.

KEY TOPICS AND REQUIREMENTS

- **Scope & safety philosophy**: Addresses significant hazards, foreseeable misuse, and safety-related protective measures for EPACs.
- **Electrical systems**: Requirements and test methods for engine power management, electrical circuits, batteries, chargers, wiring, moisture resistance, and anti-tampering measures.
- **Power limits & control**: Defines maximum continuous power (0.25 kW), speed cut-off behaviour at 25 km/h, start-up assistance mode and power management testing (including measurement at the motor shaft).
- **Electromagnetic compatibility (EMC)**: Annex B sets emission and immunity tests for EPACs and separate electrical/electronic sub-assemblies (ESA), with measurement methods and test conditions.
- **Mechanical safety**: Detailed requirements for brakes, steering, frames, forks, wheels/tyres, saddles/seat posts, luggage carriers, lighting/reflectors, and thermal hazards.
- **Performance and testing**: Road-test procedures for fully assembled EPACs, mechanical strength tests, and specific test methods for components and assemblies.
- **Marking, labelling & instructions**: Mandatory durability tests for marking and required user instructions for safe use and maintenance.
- **Exclusions & applicability**: Not applicable to EPACs manufactured before the standard's publication; excludes certain hire-station EPACs.

APPLICATIONS AND WHO USES IT

- EPAC and e-bike **manufacturers** and component suppliers (motors, batteries, chargers, controllers)
- **Design engineers** and product safety teams implementing compliant electrical and mechanical designs
- **Test laboratories** and certification bodies performing conformity and EMC testing
- **Retailers, fleet operators and commercial e-bike providers** seeking regulatory compliance and safe operation
- **Regulators and standards committees** using the standard to align national rules and market access in the EU

Australia regulates e-bikes primarily under the EN-15194 standard, limiting motor power to 250 W, assistance only while pedalling, and a maximum speed of 25 km/h, with new national legislation addressing safety and compliance.

Key Standards and Definitions

Electrically Power-Assisted Cycles (EPACs) are the main category of road-legal e-bikes in Australia. By law, an EPAC must:

- Provide motor assistance **only while pedalling** (no throttle-only operation)
- Have a **continuous rated motor power of 250 W**
- Cut off assistance at **25 km/h**
-
- Include **anti-tampering measures** to prevent modifications that increase speed or power

These requirements align with the **European standard EN-15194**, which Australia has reintroduced for imports and domestic sales after it was removed in 2021. The standard also ensures manufacturing quality and battery safety, reducing risks such as fires.

National Legislation

The **Road Vehicle Standards Amendment (Safer E-Bikes) Act 2025** classifies EPACs and more powerful e-bikes as road vehicles under the **Road Vehicle Standards Act 2018**. Key provisions include:

- **National road vehicle standards** for EPACs and powerful e-bikes
- Clear definitions distinguishing EPACs from mopeds, motorcycles, and other motor vehicles
- Exemptions for vehicles designed for people with disabilities or off-road use

Throttles: what's allowed and what isn't

One of the simplest ways to test whether your bike is a true EPAC is this: Does the motor stop when you stop pedaling?

Australian e-bike rules tightly restrict throttle usage. On a legal EPAC, throttles are permitted under two specific conditions:

1. **Walk Assist:** A throttle may propel the bike from a standstill *without* pedalling, but it must cut out strictly at 6 km/h.
2. **Pedal-Activated Boost:** A throttle (or boost button) may propel the bike at higher speeds (up to 25 km/h), but *only* while you are simultaneously pedalling. The moment you stop pedalling, the throttle must stop driving the motor.

This distinction is critical. If your throttle allows you to sit on the seat, twist the grip, and cruise at 25 km/h without your legs moving, the vehicle is no longer classified as a bicycle. It is an unregistered motorbike.

Regulators draw this line to prevent bicycles from drifting into scooter territory. In fact, all states and territories now uniformly apply these throttle rules. For more information on throttle types and use check out our article on **E-bike throttle rules in Australia**