Dear Minister Williams

RE: SUBMISSION TO THE VIC CONSULTATION into the safe management of ebikes on public transport in Victoria.

Bicycle Industries Australia (BIA) would like to thank XYZ for the opportunity to provide a submission for this consultation.

Consumer and industry members safety are paramount in the minds of the light electric (specifically bicycle) industry as we move towards a more electric future.

While the use of e-bikes and e-scooters is not new, mass production, technological advancements, and evolving consumer demand have brought about a transformative shift in the industry.

Consumer sentiment continues to shift for a desire to utilise light electric vehicles (LEV). Sales of e-bikes across the globe and in Australia show that the shift to electric vehicles is well underway.

Bicycles have consistently outsold motorcars each year in Australia for more than two decades, with sales of new bikes growing to 3.2million units during the 2020 and 2021 covid years (this does not include scooters or other LEV). Sales of e-bikes has now grown to 25% of all annual bike sales and if we continue to follow international trends, we expect this number to grow to 50% of annual sales.

The world's leading automakers, motorcycle and electronic manufacturers are investing heavily in e-bike technology, identifying not only economic, but environmental and community benefits of transitioning greater numbers of people and goods to be moved by LEV. These brands are investing hi levels of funding in the technology required, but also production capacity to produce millions of LEV.

These benefits have been highlighted through the current costs of living crisis, with many families benefiting from the ability to achieve their transport tasks utilising e-bikes as a cost-effective method of chaining multi-modal opportunities for single journeys, reducing the requirement for a primary or secondary motor vehicle.

Nevertheless, as with any transformative industry shift, along with the benefits, there are challenges that both the industry and decision-makers must overcome.

We as a nation have an opportunity to benefit significantly from this change but must work together at all levels to achieve the potential.

The Victorian Department of Transport has undertaken a Regulatory Impact review, evaluating three options for the improvement of safety for transport users.

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It is the opinion the BIA that **Option 2** provides that most appropriate approach to achieving the required safety outcomes while continuing to allow for the economic, health, environmental and social outcomes provided by promoting transport chaining joining public transport and e-bike travel.

The BIA would welcome the opportunity to expand on the information provided through this submission.

Regards Peter

Peter Bourke
General Manager
BICYCLE INDUSTRIES AUSTRALIA

pbourke@bikeoz.com.au
0438 871 271

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Recommendations

Further to the endorsement of the BIA to pursue Option 2, we would provide the following further recommendations;

Any restriction, ban or other modification to the access of e-bikes to public transport must be feature a sunset clause, requiring a review within 24months

To assist in the improved safety, a whole of Government Approach to securing a solution that promotes the benefits of emobility to Victoria economy including health benefits, transport congestion reduction and reduction of transport emissions must be undertaken.

Transport for Victoria

- Lobby for importation controls of ebikes – reinsert the definition of EN15194 within the definition of an ebike within the Vehicle Standards (Australian Design rules) under the Road Vehicle Standards Act

- Remove the PAPC category from the Victorian Road Regulations
    - Simplify the definition of an e-bike to just an EPAC

- Re-insert a requirement to meet EN15194 to the definition of an EPAC/PEDALEC in the Victorian road regulations

Consumers Affairs Victoria

- Ban the sale of any after-market kit over 1000w max peak power from sale in Victoria

Jobs, Skills, Industry and Regions

- Invest in bicycle mechanic training to ensure skilled mechanics service e-mobility devices

- *The adoption and alignment with leading international standards was identified as significantly contributing to the Victorian and Australian economy in the National Competition Policy Analysis 2025 interim report released 7th August 2025.*

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IF THE GOVERNMENT DOES PROCEED WITH ITS PROMOTED PREFERRED OPTION 3, INCLUDING A TOTAL BAN OF EBIKES (EXCEPT FOLDING) FROM VICTORIAN TRAINS AND BUSES.

The following additional actions must be undertaken to promote not only access to safe product, but promotion of the safe use of that product.

- Must ensure it has a sunset clause
    - It must be reviewed every 12 months

- Multi-modal transport solutions
    - Discounted access to share e-bike and e-scooter schemes to allow those who trip chain utilising e-mobility at the start and end of trips to access share schemes

- Medical exemption or those with disability, chronic illnesses or reduced mobility
    - Can be completed by general practitioner

- Safe charging solutions within cities for food delivery riders who will be forced to travel extended distances to get to work and within the working hours

- Construction of extra secure emobility parking solutions at train stations for both e-bikes and e-scooters (including charging solutions)

- Modified transport solutions to those travelling to regional events – to prevent massive economic impact on regional communities

- Invest in safe connected active transport infrastructure to allow riders to access their destinations when previously utilisation PT to move around cities

- Communication/education campaign on the safe and legal e-bike solutions

- Data collection on actual emobility issues and impact

- Develop parking and charging guidelines for all Government buildings to ensure e-mobility devices will continue to be able to be parked and charged, to allow their use to and from work.

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Bicycle Industries Australia

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

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

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

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Banning e-bikes from trains and public transport is the wrong response and addresses a perceived symptom not a cause of any issues.

What is an e-bike?

In the last month NSW and Victoria have announced a potential ban of e-bikes from trains and public transport, Qld has undertaking public hearings for the Parliamentary Inquiry into e-bikes and WA has expanded the Terms of reference of their parliamentary inquiry to include e-bikes.

Not one of those states uses the same definition to determine what an e-bike or e-scooter is.

The lack of harmonisation is a significant contributor to any issues regarding e-bikes.

All states use similar language to define an e-bike, EPAC, Pedalec, Power Assisted Pedal Cycle or power assisted bicycle. But there are significant variations in power limits, the allowable use of throttle and the way power is measured (max power v maximum continuous rated power).

We have witnessed in NSW, that each state is such a small market on the world supply chain, the introduction of unique definitions has led to multiple issues in both quality of product and the management of their use (It is estimated Australia is 0.6% of the world e-bike market).

The Victorian definition does not align with the federal government for the management of import regulations.

The Victorian Government removed the requirement to meet any safety standards from the definition of an EPAC in XYZ when then modified the definition, removing any demand to meet basic quality and safety requirements.

Before ‘e-bikes’ are banned from public transport and the community negatively impacted, the government must identify its own role in the process and work towards achieving a harmonised definition that is consistent and aligns with best practice.

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Legislation

To determine the future opportunities and steps to manage LEV engagement with public transport, Transport Victoria must understand the history of the legislation that has contributed to the current position.

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

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

The critical elements of this regulation are;

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

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

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

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

Victoria became the first state to adopt EN15194 into road regulations in Sep 2012.

Over the course of the following 5 years, each state adopted the modification of the Australian Design Rules (EN15194), with the NSW Dept National Parks and Wildlife Service the final jurisdiction in May 2017 to allow the use of e-bikes on public land.

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

The number of e-bikes imported in 2022 grew to almost 200,000 units[1]

With the release of the national standard in 2016, and adoption of EN15194 in each state, all Australian state and territory regulations were harmonised, creating a consistent definition of a pedalec across all jurisdictions in Australia (incorporating import, sale and use of e-bikes).

In 2018, the federal government withdrew an exemption to the 5% import tariff on e-bikes imported from countries not featured in a Free Trade Agreement. As a general statement this has increased the price of higher quality products.

[1] The Australian Cycling and E-Scooter Economy in 2022

As Australia has a signed FTA with China, e-bikes originating from China do not attract the import tariff.

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

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

NSW was the only Australian state or territory that adopted the new definition without modification into road regulations.

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

The ROVER system modified the import permit for an EPAC/Pedalec/power assisted cycle to a voluntary 'Advisory Notice' under the title of 'that thing is not a road vehicle'.

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

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

Victoria partially adopted the new federal definition of an e-bike, creating the fundamentally flawed situation whereby there are currently different definitions of an e-bike across the federal and state departments involved in the 'life' of an e-Bike.

- Federal Dept of Transport – relating to import
- Standards Australia/ACCC – relating to sale
- Vic Dept of Transport – relating to use

This 'clash' of definitions has created confusion for importers, retailers and consumers.

With the modifications of the ROVER import platform, the withdrawal of the tariff exemption and the variations between state and federal definitions of an EPAC/Pedalec/power assisted cycle for import, sale and legal road use, it has created significant confusion and made it easier and cheaper to import inferior quality products (including batteries) that are more susceptible to malfunction.

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

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

This history has unfortunately been a demonstration of poor consultation, communication and implementation over the last 5 years.

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

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Why we need to continue to promote e-bike use with public transport

Cost of living crisis

Australia, for many, is currently impacted significantly by a 'cost of living,' crisis with the NRMA reporting that transport is accounting for up to 17% of total household income or around $22,000 per household per year.

With the removal of the ability to utilise a single emobility device for chaining of multi modal trips, getting to a station and from that station at the other end, it will put more pressure on families and communities to drive the entire journey. Those that have replaced the second family car with an e-bike may now be forced to again purchase another car.

Along with cost savings for individuals and households, the transition to LEV will have a positive impact on the Victorian economy, through reduced congestion, increased productivity cost savings to the health system and reduced carbon emissions[3]

Disability services

People living with a disability use e-bikes as a form or mobility but also rehabilitation or therapy. They use trains as a vital connection to safe routes and linkages. Riders with chronic illnesses commonly use legal e-bikes to commute and connect with employment and social opportunities, and trains form part of their journey. These chronic diseases include severe asthma, MS and arthritis.

Any ban of access for people with a disability to utilise e-bikes for transport solutions is discriminatory will promote social isolation.

The Regulatory Impact Review also identified the option to increase the allowance of bicycles used by children on bikes as they replace prams and other children's transport devices. E-bikes have been shown to replace mobility devices and this is now discriminating against those who have chosen to utilise active transport for transport over passive transport solutions such as a motor scooter.

Social connection

Multimodal trips utilising e-bikes and trains are utilised by elderly and isolated e-bike riders who use e-bikes to connect, meet up for social rides in safe locations and remain active. There is an immense and underappreciated benefit of social connection and health and wellbeing. Many people including retirees, marginalised and CALD communities use e-bikes to engage in outdoor activities and use trains as part of their connecting transport.

[3] The Australian Cycling and E-Scooter Economy 2022

Travel to work

Those who use an e-bike for travel to work purposes generally live in the outer suburbs and utilise trains to connect or extend their journey. The final leg of the trip to both destination and home is often very poorly served by public transport, with many living in what the government describes as transport deserts.

E-bikes have an essential 'first and last mile' function and enable people to avoid the economic, social and environmental cost of driving a private car.

Cycle Tourism

Cycle Tourism contributes $350million to the Victorian economy in a single year.

This contribution includes overnight stays, races, rail trail experiences, bikepacking, family trips and community rides.

Many bike trips and bicycle events rely on train transport to either get people to the start line or home from the finish (or both). This strengthens use and reliance on public transport but also prevents significant traffic congestion and community impacts. Events include the Great Vic Bike Ride, Tallangatta Tall Trestle Treadlie Spring Cycle and the Great East Rail Trail Ride. Many participants who have already registered for these events will be forced to ask for refunds as they will not be able to participate which is having a significant economic impact.

Any recommendation that reduces the capacity of LEV (in particular e-bikes), from providing a transport solution from the Vic community will have a negative impact on many individuals, the Victorian economy and the Vic environment.

Equitable commute

While Melbourne has a public transit network, many lower-income Victorian residents live in areas under-served by transit and face long, complex commutes, creating barriers to employment and harming overall well-being.

Unreliable transportation limits opportunity and keeps people in poverty.

The most affected by the lack of train coverage are those in lower socio-economic communities.

Therefore, any ban will most affect those who cannot afford to invest in alternative transport solutions if they rely on chaining trips for e-bikes and trains together.

E-bikes have an essential 'first and last mile' function and enable people to avoid the economic, social and environmental cost of driving a private car.

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IMPACT ON COMMERICAL E-BIKES (OPTION 2)

Delivery riders

There are over XYZ delivery riders in Melbourne who use trains to extend their journeys and also for multimodal transport. There is also a growing number of small businesses who use trains to connect and extend their journeys. These include tradespeople as well as bicycle education and learn-to-ride providers.

Many food delivery riders cannot afford to live centrally in locations close to food venues or the communities which order regularly through platforms such as Door Dash and Uber Eats.

Many of these riders are forced to travel distances to arrive at the work locations, and they substitute this travel with movement on trains.

Many of these riders also chain their trips during the delivery period with train travel to allow the faster movement of product

With a ban of e-bikes from trains, these riders will be forced to travel further with the support of the battery, leading to an increase drain on the battery charge.

To achieve the ability to travel throughout the entire shift riders may feel forced to undertake risky charging behaviour or purchase a second battery. With extremely limited safety or quality controls in Australia on the import, sale and use of poor quality e-bike batteries, the secondary battery is often of 'inferior' quality.

The necessity to charge during a shift or purchase other batteries will exacerbate the problems and simply shift the issues of battery fires to other locations, including residential and commercial buildings.

The current contractual and supplier agreements with delivery platforms are based on volume of deliveries. Without the capacity to utilise train travel to reduce travel time, riders may be inclined to utilise unsafe methods to increase speed through either behaviour or product modifications.

This ban will increase risks for delivery riders.

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Other commercial users

The use of e-bikes for the transport of goods/tools for tradies, couriers and other professions moving goods between jobs has reduced the need for these staff to utilise motor vehicles.

A ban on the capacity of these 'workers' to utilsie their e-bikes for work purposes will increase the need for more 'white' vans across the city, increasing demand on limited road and parking space.

SOLUTION TO COMMERICAL E-BIKES

The solution to the use of commercial bikes on trains is a certification/assurance system of e-bikes to allow commercial products to be 'marked' as of an appropriate standard.

The system could be delivered by DOT directly or the BIA would support a program of suitably qualified technicians certified through the DOT to provide an approved 'checking' process including assessment of independent lab test results.

This process would allow quality e-bikes utilised for commercial purposes to maintain a safe and valuable contribution to the Victorian economy.

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Carriage of small kids' bikes on trams and buses

As a bicycle sector we support the update of the definition of carriage of small kids' bikes to be transported on Victorian public transport.

The single most important element in this modification is that the Victorain Government does not develop a unique or arbitrary number to define a child's bicycle.

It has been proven many times, that a state that chooses to 'go alone' in defining bicycle elements creates further and ongoing problems.

We support a consistent definition of a child's bike in line with that as adopted and enforced by the Australian Competition and Consumer Commission through the mandatory Australian bicycle Standard ASNZS 1927:1998.

The standard defines a child's bicycle as having a wheelbase between 640mm and 765mm.

A wheelbase smaller than 640mm is considered a child's toy under Aust Consumer law and Australian safety standards.

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FURTHER ACTIVITY

Industry training

Further to the structures that need to be placed around bikes on trains, the Victorian Government needs to invest in skilled mechanics that can ensure that products are safe and effective.

The development and delivery of training packages for bicycle mechanics in Victoria has been poorly supported by the state Government for a significant period of time.

Under the Australia and New Zealand Standard Classification of Occupations (ANZSCO) rating for skills/careers, bicycle mechanic was rated as a level 5, on a par with a shopping trolley collector and an usher at the movies.

Under the ANZSCO rating, a level 5 skill was described as 'may require some on the job training'.

This rating was utilised during a Victorian Gov review to slash mechanics training funding.

The Australian Bureau of statistics in transitioning to the OSCA program announced in Dec 2024, that it has now evaluated bike mechanics/technicians as a level three skill on a par with car mechanics. Level 3 skills are described as - Occupations at this level involve performing a variety of skilled tasks, often requiring in-depth technical, trade, or industry-specific knowledge.

The Victorian Government currently does not provide any training subsidies for bike mechanic trainees and apprentices.

This has led to no training undertaken and unskilled workers providing training and support for e-mobility across Victoria.

The state needs to urgently review training packages to support career pathways for technicians.

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Data / what is really happening?

The collection of accurate data on e-bike and e-scooter sales, incidents (including lithium-ion battery) and use is an issue that many authorities across Australia have identified as critical in planning future direction.

There is no agency in Australia that has accurate data on LEV lithium battery fires.

- Number of products sold
- Type of product sold
- Number of light electric vehicle lithium-ion battery fires
- Type of fire (scooter/hoverboard/e-Bike)
- History/damage of system/battery/charger
- Brand of system
- Modifications to system
- Was it road legal?
- Other reason for overheating
- Type of product used in an incident/injury (road legal/not road legal)

In a presentation to the bicycle industry on the 19th of January 2024, a Senior Fire Investigator of the SA Metropolitan Fires Services said,

'it is overwhelmingly the case that the fires occur when users are tampering..... or importing online and making their own homemade systems, overwhelmingly they are the cause of the fire.'

'It is quite uncommon if users purchase all of the components together and they are used in accordance with the manufacturer's instructions, it is very rare that there is an instance when they fail.'

https://www.bikeoz.org/batteryforum

'Based on experience we 'know' what are the types of batteries that are burning, but we do not have the data to support future decisions.'

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