



The Palm Beach & Whale Beach Association Inc.
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28 April 2025

The Hon John Graham MP, Minister for Transport

Parliament House, Macquarie Street, Sydney 2000

Dear Minister

IMPLEMENTING THE LEGISLATIVE COUNCIL'S REPORT ON E-BIKE USE

The Palm Beach & Whale Beach Association, Inc. is a community association, incorporated in 1918 and representing the interests of residents, property owners and businesses of Palm Beach and Whale Beach. We have over 450 members. Our nearest shopping centre is Avalon Beach which is book-ended by two public schools, one primary, one secondary.

From where we live, on the Northern Beaches, the major problems of e-bike use we see every day were not covered by the Legislative Committee and while implementation of their recommendations might lead to tidier inner suburbs, they will not deal with the risks and costs arising from improvident e-bike use. The first two terms of reference and three of the first four require the Committee to report on the safe use of E-bikes and safety of the community but the recommendations will have little effect on the dangers - the Committee said "the issues we are seeing are not so much about the devices themselves". We profoundly disagree with this approach. The Committee's three findings demonstrate that the Committee did not understand the issues raised by the illegality of the bikes and the dangers caused to pedestrians by their use.

The first four recommendations from the Committee Report deal with shared schemes for e-bikes. This is not a significant issue on the Northern Beaches. This ordering of priorities, in the face of legal problems, lack of training or licensing and safety issues and proper regulation of use, is ridiculous.

The experience of the members of the Committee of PBWBA, all local residents, is that we see and experience every day, children (i.e. young people under the age of 21) using e-bikes dangerously, doing wheelies in traffic, riding the wrong way along public roads, including Barrenjoey Road, riding bikes at night without front or rear lights or reflectors, not wearing helmets (including adults), carrying 2 passengers and more. They are silent so can't be heard approaching and they often travel too fast for avoiding action, particularly for older pedestrians.

Our overriding concern is that the recommendations would turn all footpaths in shopping centres and other high pedestrian use areas into shared zones for all E-bike users, irrespective of age, without considering the danger to pedestrians and those with limited mobility. This is a recipe for serious accidents and requires urgent reconsideration.

The other major problems requiring action by the Government are (i) issues of enforcement of existing rules on bike use; (ii) failure to institute proper instruction on the use of bikes for parents and schools; and (iii) the need for rules specifically designed to deal with e-bikes; liability and insurance.

A. *The existing rules are there for the safety of the public and riders and should be enforced. The enforcement problems are: -*

1. There has been no move to make the alteration of programming of e-bikes to increase their power illegal and in New South Wales, the maximum power limit is significantly out of line with other States;
2. The total lack of any enforcement of or compliance with the existing rules for bikes;
3. E-bikes (not pedal-assisted e-bikes) are currently illegal under NSW law for private use on public roads and footpaths but no effort has been made by Government to prevent or regulate their sale or ensure compliance in their use. Police do not enforce the existing laws. They are frequently seen on the footpaths of Avalon before and after school. This breeds disrespect for laws generally and should be stopped immediately before someone is killed. There should be accountability for this policy/decision not to enforce.
4. The regulations should also make illegal: (i) the sale of E-bikes which are capable of exceeding the speed limit and (ii) any manipulation of the prescribed speed governor to allow the maximum speed to be increased or exceeded.
5. Parental responsibility for young people (under 16) using E-bikes is not addressed in existing law. Most E-bike users are under the age of 16, by observation (which is also supposed to be illegal).
6. The police are reported to have doubts about their power to seize bikes (including e-bikes). This should be clearly dealt with in the regulations. Where e-bikes do not comply with regulations or are suspected of having been altered to increase their speed or are involved in accidents where other people have been injured, use of powers of seizure should be automatic. Given the difficulties of prosecuting children under 14, this power of seizure is a powerful disciplinary constraint.
7. The rule requiring dismounting of bikes in dismount zones is not generally known and is not enforced and, in our area, such zones are not signed. The signage lack needs to be addressed as a matter of some urgency, given the risks to both riders and pedestrians. The rule should especially apply to e-bikes.

B. *The education and training issues are: -*

1. The lack of proper training/education of young riders on the rules and risks of riding e-bikes and the failure of both parents and schools to see that the most basic of rules for bikes, such as the use of helmets, is observed; it should be a compulsory function for all schools to make their students, irrespective of age, aware of the rules for the use of bikes;
2. The restrictions on use spelled out in paragraph 1.7 of the Report are not observed and , we suggest, are unknown to most users of e-bikes.
3. The Government's Handbook on bicycle use does not even mention e-bikes and it will urgently need updating as soon as the policy decisions have been made by the Government.

C. Regulation of e-bikes: -

1. Because of their power, weight and speed of acceleration and hence the dangers they represent, we recommend that e-bikes and e-scooters be subjected to their own separate rules on their specifications and use.
2. For the same reasons, we believe that the use of these e-bikes should require a licence, based on the precedent of boat licences. This would require training to a required level of understanding of road and footpath rules.
3. Any E-bike with a throttle should be illegal even under the new regulations, except for licensed delivery drivers and those needing such a bike for business use – they should be dealt with separately in any code.
4. There is an argument for two classes of licence – one for those whose employment or business requires the use of e-bikes and one for those who use e-bikes purely for commuting;
5. Whether e-bikes should be registered is a matter for Government to decide, bearing in mind the reasons that regulation is being introduced.
6. The use of e-bikes on footpaths, at least on well-used footpaths in town centres and other areas of significant pedestrian use, should be banned.
7. The rapid increase in the numbers of e-bikes in use raises a more difficult issue, namely that many current users of e-bikes, at least here on the Northern Beaches, are primary students – aged 12 or younger. It might be sensible to restrict such users of 12 or younger to e-scooters.

D. Liability and insurance issues

1. Even e-scooters and legal e-bikes can be involved in accidents. Now are victims to be compensated? Who is responsible? Can insurance cover be applied?
2. Liability and insurance issues are not clear for young riders who cause or suffer accidents or for their parents nor is the responsibility of schools and school staff for ensuring that young riders leaving their premises wear their helmets, for example. Rather than set up another CTP fund, it could be made a requirement that all domestic/residential public risk policies specifically include cover for bikes, e-scooters and bike accidents involving members of the family being insured.

E. Other points we would like to bring to your attention are: -

1. The proposal to raise the existing limit in on shared paths and in shared zones from 10 km/h to 15 km/h for e-bikes with their greater power and speed simply does not make sense.
2. The suggestion that active transport be allocated 20% of the total transport budget as recommended by the United Nations is out of proportion. It might make sense in Hanoi but not in Australia. This move would seriously disadvantage financing for other, more important, road uses.
3. E-mobility devices for people with a disability with more than 2 wheels and governed to 10 km/h should be the subject of a separate code from E-bikes because these devices do not pose the same dangers to pedestrians, being slower and more stable.
4. Requiring parking areas for e-bikes at distances of not more than 200 metres is impractical and disruptive. It is not justified by the number of e-bikes nor by the way they are currently used. Many suburban and town centres do not currently have adequate space for cars and providing e-bike parking every 200 metres will cause further parking problems.

We trust you find these comments useful in your considerations.

Yours truly

A/Prof Richard West

President, Palm Beach & Whale Beach Association, Inc.

Cc Jacqui Scruby MP for Mackellar

James Griffin MP for Manly

Michael Regan MP for Warringah