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Australian Environmental Scan of E-scooters and E-bikes

# Australian legal requirements for scooter or other devices

In order to understand the current landscape in regards to the use of e-scooters in Australia, it is necessary to explore the legislative requirements in each state or territory.

## Queensland

The capital city of Queensland, Brisbane, was the first city to host a trial of the e-scooters. Two companies, Lime and Neuron Mobility were awarded contracts to operate in Brisbane beyond the trial by Brisbane City Council, in June 2019.[[1]](#endnote-1)

E-scooters or powered scooters are currently accepted, as long as the motor does not exceed 200 watts and the ground speed of the scooter does not exceed 10 km/hr. It should be noted that the Lime scooters involved in the trial could travel up to 25 km/hr though. Powered or e-scooters which adhere to these requirements must follow the same road rules as skateboards or other scooters.[[2]](#endnote-2)

Many other personal mobility devices or rideables may meet the requirements for use in Queensland with rules including the ability for them to be used on some local streets.[[3]](#endnote-3)

The push to reduce to speed capability to 10 km/hr was intensified after a fatal crash occurred in Brisbane in May, with blindness service provider, Vision Australia putting their weight behind the calls due to concerns for people who are blind and vision-impaired sharing pathways where scooters were travelling at high speed.[[4]](#endnote-4)

In Brisbane, 300 fines were issued between December 2018 and March 2019 for non-compliance with city scooter rules, including speeding violations.[[5]](#endnote-5)

## New South Wales

E-scooters or powered scooters are currently prohibited from use in New South Wales unless they are being operated private land,[[6]](#endnote-6) however there are currently discussions taking place which indicate that up to eight councils within the Sydney region are considering trials.[[7]](#endnote-7)

## Australian Capital Territory

E-scooters or powered scooters are currently prohibited from use on road or road-related areas e.g., footpaths, public areas that are not roads used by cars, public areas that are not roads used by animals or cyclists etc.[[8]](#endnote-8) The Australian Capital Territory (ACT) is currently developing a legislative framework for a dockless e-scooter and bike loan scheme though.

## Victoria

E-scooters or powered scooters are not permitted for use on roads or road-related areas if it has a petrol motor, it has the capacity to exceed 10 km/hr or it has an electric motor with a power greater than 200 watts.[[9]](#endnote-9) People who breach this rule incur a significant fine of 826 AUD (approx. 567 USD). Otherwise, devices deemed to be motorised personal mobility devices are prohibited from use on roads or footpaths due to not meeting Australian Design Rules.[[10]](#endnote-10) An e-scooter trial was conducted on the campus of Monash University.

## Northern Territory

E-scooters or powered scooters are considered to be motor vehicles under Northern Territory (NT) law, therefore they have to be registered for use on roads or other public places.[[11]](#endnote-11) The City of Darwin, however, announced in April 2019 that they had elected to host a 12-month trial of e-scooters across the city.[[12]](#endnote-12)

## South Australia

E-scooters or powered scooters are generally prohibited for use by South Australia law, however a trial is currently taking place in the CBD of Adelaide with a clear geographical boundary for use and stringent rules around speed and other general use.[[13]](#endnote-13) Other motorised wheel recreational devices in additional to electric scooters are also prohibited from use due to not meeting Australian Design Rules.[[14]](#endnote-14)

In Adelaide, 264 cautions were issued due to people using scooters under the influence of alcohol, including 3 riders who had their licenses revoked on the spot due to their alcohol blood count.[[15]](#endnote-15)

## Western Australia

E-scooters, powered scooters or mini motorcycles may only be used on roads if they are licensed in Western Australia (WA). E-scooters or powered scooters are otherwise prohibited from being used on footpaths and other pedestrian areas.[[16]](#endnote-16) The company Lime Scooters entered the Australian market in a few cities including Perth, although the scooters had to comply with the rules of a maximum of 10 km/hr speed requirements.[[17]](#endnote-17)

## Tasmania

E-scooters or powered scooters are only permitted if low-powered i.e., under 200 watts and the ground speed of the scooter must not exceed 10 km/hr. Otherwise, the use of e-scooters is prohibited, unless on private property.[[18]](#endnote-18)

# Australian legal requirements for e-bikes

At present, every state except NSW and Victoria allow people to ride on footpaths. In Victoria, only children under 12 can ride on the footpath, and an adult may also accompany the child. In NSW, they have to be under 16 and the path must not be marked by a ‘no bicycles’ sign.

In states that allow people to ride on footpaths, their rules generally stipulate that riders must stay left, give way to pedestrians and slow down when overtaking pedestrians.

At present, Australian Design Rules restrict the power availability for e-bikes. The bike must have an auxiliary motor/s that is/are not capable of exceeding 200 Watts (power-assisted pedal cycle) or 250 Watts with pedal-assist (pedelec). An electric bike using the pedelec set-up must have a top, power-assisted speed of 25 km/hr. These rules for a pedal-assist bike are consistent with European standards (EN 15194, 2009 or EN 15194, 2009 + A1, 2011).

An electric bike with pedal-assist (pedelec) is classed to be a ‘non-road vehicle’ under 6a (meeting definition in part 5, power-assisted pedal cycle) of the *Motor Vehicle Standards (Road Vehicles) Determination* 2017.[[19]](#endnote-19)

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