

October 2022

E-Bike vs E-Scooter



Strategic Safety Planning

Safe Work Month

Ride2Work Day

**NSW Amendments to
WHS Regulations**

**Join Our Monthly
Webinars**

What's new in October?

We farewell Miriam from our administration team. We wish her the best as she retires and thank her for her positive attitude. Miriam was always ready to help with a smile and she will be missed.



Miriam Oliver

This month we discuss how current laws treat Electric Bikes and Electric Scooters very differently. There are amendments to the NSW WHS regulations. Thunderstorm asthma season has started and it's National Safe Work month.

Stay Safe

Safety Webinar – 14th October 2022

We invite you to join us at **10am on Friday 14th October** for our free monthly webinar to keep you up to date on workplace health and safety. Gary and the team present short informal sessions of only 20 to 30 minutes on topical issues and answer your questions.

Register [here](#)

Missed our last webinar? View them [here](#)

SAFETY ACTION TEAM



Gary Rowe



Stephen Weber



Katie Weber



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E-Bike YES – E-Scooter NO

The use of electric bikes and scooters are growing rapidly, as is the number of suppliers and variety of makes and models to choose from.

With any new mode of transport or emerging social norm, there can be some confusion around correct use and the quickly evolving rules, and the rapid uptake of e-bikes and e-scooters is no exception to this.

The growing general popularity of E-bikes and E-scooters has raised several questions from our friends, and we try to answer them here.

E-bikes vs E-scooters

Why are E-bikes OK but E-scooters heavily regulated? At present the law treats the electric scooters very differently to electric bikes, as we explain below.



Typical E-bike



Typical E-scooter

The electric scooter is classified as a motor vehicle under the road traffic legislation, whereas E-bikes are treated simply as bicycles.

E-bike Definition

E-bikes have an auxiliary electric motor not exceeding 200 watts, or 250 watts w power cuts-out above 25kph, and the rider still needs to pedal to propel the bike above 6kph.

VicRoads state that power assisted bicycles (E-bikes) have similar performance and characteristics to traditional pedal powered bicycles, so the same road rules apply.

These types of power assisted bicycles are not required to be registered nor the rider required to be licensed and they can be used on public roads and bikes paths.

Motorcycle or E-bike?

Powered bicycles are classified as a motorcycle if:

- a) They are fitted with a petrol motor, or
- b) Power exceeds 200/250 watts, or
- c) Are not capable of being propelled by pedalling without the motor operating.



A petrol-powered bicycle

The rider of such bikes will be required to hold a motorcycle licence and wear an approved motorcycle helmet, and the vehicle must be registered before it can be used on the roads, and of course motorcycles cannot be ridden on footpaths or bicycle paths.

E-scooter Definition

The definition of an E-scooter is a little confusing because most are illegal on roads or footpaths. VicRoads state powered scooters with a capacity exceeding 200 watts, or capable of travelling faster than 10kph are illegal to ride on the road, but they are also illegal on footpaths. The exception being the government approved trial scooters on shared pathways.

Unlike E-bikes, E-scooters are classified as “**powered transporters**” (technically a Personal Light Electric Vehicle), and therefore are classed as motor vehicles under the Victorian Road Traffic Act.

E-scooter Trial in Victoria

As part of a Victorian one-year trial, scooters can be used in the City of Melbourne, City of Yarra, City of Port Phillip, and Ballarat. Other states are also running or planning similar E-scooter trials. Presumably to confirm that they can be used safely in shared public areas.

Private E-scooters Can Only be Used on Private Property

Private E-scooters Limited to Private Property

Whilst private e-scooters can legally be bought and sold in Victoria, they cannot be ridden on public pathways or roadways e.g., only allowed to be used on private property.

Those caught riding a privately owned E-scooter on a public road, path, or public area can face fines approx. \$1,000.

E-scooters Allowed on 50kph Roads

Only approved E-scooters taking part in the Victorian trial can be used on public pathways, including bike lanes, shared paths, and low-speed roads with a speed limit of up to 50kph.

E-Scooters Not Allowed to be Ridden on Footpaths

While you can park your E-scooter on the footpath, as long as it's in an upright position and not obstructing pedestrians, E-scooters are not allowed to be used on the footpath. Fines may apply.

E-Scooters Limited to 50kph Roads

As the E-scooters used in the Vic trial are restricted to 20kph, they are not safe to operate on roads where much faster vehicles operate.

Riders can use approved E-scooters on roads with a speed limit up to 50kph.

Note: Riders are not permitted on roads with a speed limit of 60kph or higher, *even if there is a protected bike lane.*



E-scooters must also obey the same road rules that applies to motor vehicles and cyclists: give way, obey traffic lights and signs, speed limits, and so on.

Shared Pathways OK

E-scooters can be used on shared public paths, but riders must be mindful and exercise care around other pedestrians, cyclists, and obstacles.



No Passengers or Pets

E-scooters are limited to one rider only. Pillion passengers and pets are not allowed.

No Mobile Phones

While you may need to use your phone to find an approved E-scooter, your phone must be put away once your journey begins. Fines of \$545 can be issued for those using a mobile device while operating an E-scooter.

License to Ride an E-scooter?

No, the E-scooters as part of the Victorian trial do not require a valid Driver's License. However, breaches of road rules may incur fines.



Helmets for E-scooters

Approved bicycle helmets must be worn at all times while riding an E-scooter and failing to wear a helmet can result in a \$227 fine.

No Children on E-scooters

To rent a Vic trial E-scooter, riders must be at least 18 years of age.

Alcohol Limit on an E-scooter?

E-scooter riders must not be impaired by drugs or alcohol e.g., below 0.05, as per motor vehicle drivers.

New South Wales Amendments to the WHS Regulations

In the past month, NSW has passed two significant amendments to the states WHS Regulations.

1. Work Health and Safety Amendment (Demolition Licensing) Regulation 2022

Under the new amendments commencing March 2023, all persons conducting 'licenced demolition' work must be licenced and trained to undertake the work.

2. Work Health and Safety Amendment Regulations 2022

Commencing on 1 October 2022, the regulations clarify the requirement under the WHS Regulations for PCBUs to manage the risks arising from Psychosocial hazards in the workplace per standard risk identification, assessment, and control.

This moves the obligation from just management of Psychosocial injuries to a pro-active obligation to reduce the risk of a psychosocial injury arising in the workplace as far as reasonably practicable.

For more information, please [contact our office](#) or look to our next legislation update.

National Ride2Work Day

Currently two thirds of Australians don't get enough exercise to maintain their health. At the same time, our cities are being choked by traffic. It is exacerbating climate change and costs us billions each year. We must do more to get people out of cars and on to bikes.



Riding a bike can be one of the easiest and most time-efficient ways for some people to get to work. By swapping the car, train, or bus for a bike, you can get your recommended daily exercise without having to spend extra time or money at the gym. You may be happier and healthier for it as well!

October is National Safe Work Month



October is National Safe Work Month, and this year's message from Safe Work Australia is "know safety, work safely". We have compiled five health, safety, and wellbeing activities for you to implement at your organisation during October and beyond.

Floor Walk with OHs Provider

To fully understand your workplace, your Occupational Health providers need to observe the actual work. One way to do this is through floor walks. A floor walk involves an onsite healthcare provider being taken around the workplace to see the different tasks in each department line.

Warm-up sessions



When engaging in any physical activity it's important to prepare your muscles, joints, and neurological system for the task at hand. Stretching and warm up activities benefit manual handlers as well as office workers. Why not schedule a stretching and warm up session prior to the start of a shift?

Make mental health a priority in the workplace

Every year 1 in 5 Australians will experience a common mental illness. That means that every day, millions of Australians go to work while experiencing a mental health problem; the impact of this is enormous, affecting workplace productivity, performance, and employee well-being.

Given that the average Australian worker will spend close to one third of their lives at work, the workplace is an ideal place for early intervention for mental illness.

Encourage staff wellbeing

Well-planned wellbeing programs (smoke cessation, healthy eating, physical activity) combined with onsite injury management can contribute to reduced Work Cover claims and absenteeism. Your staff wellbeing activities could include health talks, information on quit smoking programs, EAP counselling, an onsite mini gym, and any others applicable to your workers and industry sector.

Thunderstorm Asthma Season

1 October to 31 December

During grass pollen season people may notice an increase in asthma and hay fever. Grass pollen season also brings the chance of epidemic thunderstorm asthma.

Workplaces are encouraged to communicate to their staff the signs and symptoms of asthma, and to know the four steps of [asthma first aid](#) so they know what to do if they or someone is having an asthma attack. See [here](#) for more details.

Note to check your first aid risk assessment & kits have reliever medication appropriately available, and first aider officers are aware of how to use it (ideally with a spacer).



Subscribe to your state's Emergency Warning Platform for warnings, eg [VicEmergency warning platform](#).

Strategic Safety Planning Workshop

Thursday 10th November 2022

Most strategic safety plans do not create long-lasting improvement in performance, as is demonstrated by little real change and mediocre statistics in most organisations.

This workshop will explain why many genuine attempts to improve workplace safety fail, and – more importantly – what we need to do to achieve substantial, lasting, and profound changes which will underpin future growth and success.



Venue: Safety Action Boardroom, Clayton, Vic

Date: Thursday 10th November 2022

Fee: \$990 + GST, but early bird fee \$750+GST until 30 October 2022

[Click here](#) to Register.