



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: ICC:BMsb271124

27 November 2024

Ms Cate Faehrmann, MLC
Chair, Portfolio Committee No. 6 - Transport and the Arts
Parliament House
Macquarie Street
SYDNEY NSW 2000

By email: portfoliocommittee6@parliament.nsw.gov.au

Dear Ms Faehrmann,

Use of e-scooters, e-bikes and related mobility options

Thank you for the opportunity to provide answers to the questions taken on notice by the Law Society of NSW during the hearing on 30 October 2024 as part of the Portfolio Committee No. 6 - Transport and the Arts (**Portfolio Committee**) inquiry into the use of e-scooters, e-bikes and related mobility options.

The Chair of the Law Society's Injury Compensation Committee, Mr Tim Concannon, and the Deputy Chair, Mr Leigh Davidson, appeared on behalf of the Law Society before the Portfolio Committee.

The Law Society's responses to the questions taken on notice during that appearance are provided below.

Question:

The Hon. NATALIE WARD: So how does the compulsory insurance fit in, then? Is it licensing the bike itself or through registration of the bike?

TIM CONCANNON: That's how compulsory third party insurance works with the vehicles. It attaches to the vehicle, not to the person.

The Hon. NATALIE WARD: That's right.

TIM CONCANNON: It would have to work in that sort of way.

The Hon. NATALIE WARD: Just to be clear, you'd be supportive of that or you think that would be over-regulating?

TIM CONCANNON: We probably should take that formally on notice, the response to that question, if you want a Law Society position on it.

The Hon. NATALIE WARD: I think it would be helpful.

Answer:

The Law Society considers that any consultation on issues of registration, licensing and insurance of e-scooters/e-bikes should not be confined to an examination of a regulatory model based on, or integrated with, the current compulsory third party (**CTP**) scheme, but should also consider other options that are potentially less costly and burdensome, such as requiring e-scooter/e-bike riders to take out tailored personal accident and public liability insurance.

Registration and licensing would probably be required, if integration with the CTP scheme was ultimately considered desirable. However, less burdensome options should be explored, for example:

- Limiting registration and licensing to e-bikes/e-scooters used for commercial purposes, paid for by the digital/gig platform where relevant.
- Providing rebates and other financial incentives for persons who choose to insure their e-bike/e-scooter under existing policies.
- Requiring riders to submit annual proof of personal accident and public liability cover for their e-vehicle.
- Deeming e-vehicles as 'uninsured motor vehicles' for the purposes of claims against the Nominal Defendant.

Question:

The Hon. NATALIE WARD: Could I invite you, perhaps, to also on notice give a view on the other jurisdictions? We've had some comparisons from road safety experts about what legislation or schemes might be working and what the comparative analysis might be between them—if you have capacity to do that.

TIM CONCANNON: Sure.

The Hon. NATALIE WARD: Just a short, sharp table might be helpful.

TIM CONCANNON: We can look at that for you.

Answer:

The Law Society has prepared a table at **Attachment A**, which sets out the regulatory frameworks which apply to Australian jurisdictions. At the current time, registration, licensing or insurance is not required in any jurisdiction for e-bikes that fall within the definitions provided in the relevant State/Territory legislation and regulations. For those jurisdictions that allow personal e-scooters to be used in public places, there are also no requirements around registration, licensing or insurance.

Thank you for the opportunity to contribute. Please contact Sophie Bathurst, Senior Policy Lawyer, on Sophie.Bathurst@lawsociety.com.au or (02) 9926 0285 in the first instance if you have any queries.

Yours sincerely,



Brett McGrath
President

Attachment A: Comparative Table on regulation of e-bikes and e-scooters in Australian jurisdictions [Note: This table is current as at 25 November 2024. The information is drawn from State/Territory government websites]

STATE/TERRITORY	E-BIKES	E-SCOOTERS
NSW	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Road Transport Act 2013 • Road Rules 2014 • Road Transport (General) Regulation 2021 <p>Permitted e-bikes include power-assisted pedal cycles and electrically power-assisted cycles. Further information available here.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required.</p>	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Road Amendment (Electric Scooter Trial) Rule 2022 <p>Personal e-scooters are not permitted on NSW roads and road-related areas, including footpaths, shared paths and bicycle lanes. They can only be used on private property. Further information available here.</p> <p>The NSW government has been working with Local Councils on trials for shared e-scooters. An E-micromobility Action Plan was published in October 2024.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required for personal e-scooters. The trial requires that the shared e-scooter operator that holds a current public liability insurance policy with coverage for injury or damage to third parties. Further information available here.</p>
Victoria	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Road Safety Act 1986 • Road Safety (General) Regulations 2019 • Road Safety Road Rules 2017 <p>E-bikes can be ridden as bicycles as long as they fall within the definition of electrically power-assisted cycle and have a limited power output. Further details available here.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required.</p>	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Road Safety Act 1986 • Road Safety (General) Regulations 2019 • Road Safety Road Rules 2017 <p>E-scooters are legal to use across Victoria. Further details available here.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required. However, if an individual rides an e-scooter while affected by alcohol or drugs, their driver's licence may be affected.</p> <p>Other</p>

		In 2025, new laws will be introduced that set minimum standards for share-hire e-scooter companies. Further details available here .
Western Australia	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Road Traffic Act 1974 • Road Traffic Code 2000 • Road Traffic Administration Regulations 2014 <p>E-Bikes that fit within the definition of a ‘power assisted pedal cycle’ are allowed to be used on roads and paths. Further details available here.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required.</p>	<p>Relevant legislation: Road Traffic Code 2000 (see references to electric rideable devices)</p> <p>The Road Traffic Code 2000 refers to a class of vehicles as ‘electric rideable devices’, which includes e-scooters, e-skateboards, hoverboards, e-wheels and e-skates. Further details available here.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required.</p>
South Australia	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Road Traffic Act 1961 (SA) • Road Traffic (Miscellaneous) Regulations 2014 (SA) • Road Vehicle Standards (Classes of Vehicles that are not Road Vehicles) Determination 2021 (Cth) <p>Power-assisted pedal cycles and electrically power-assisted cycles, defined in the <i>Road Vehicle Standards Determination 2021</i> (Cth), fall within definition of bicycle under the <i>Road Traffic Act 1961</i> (SA). Further details available here.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required</p>	<p>Relevant Legislation:</p> <ul style="list-style-type: none"> • Road Traffic Act 1961 (SA) • Road Traffic (Miscellaneous) Regulations 2014 (SA) • Road Vehicle Standards Act 2018 (Cth) <p>South Australia has a class of vehicles referred to as ‘electric personal transporters’, which includes e-scooters, electric hoverboards, segways and electric skateboards.</p> <p>Registration/Insurance/Licensing: The Legal Services Commission of South Australia notes that ‘electric personal transporters’ are considered to be motor vehicles, and therefore would require registration, licensing and third-party insurance. However, at the current time it is not possible to register e-scooters or electric personal transporters in South Australia, and they therefore are designated as ‘unregistered vehicles’ if used on a public road. Further details available here.</p> <p>Trials for e-scooters are ongoing in certain areas of South Australia. The permitted operators are required to hold public liability insurance. See here.</p>

ACT	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Road Transport (General) Act 1999 • Road Transport (Road Rules) Regulation 2017 <p>E-bikes have the same rights to use roads as unpowered bikes. Further information available here.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required.</p>	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Road Transport (General) Act 1999 • Road Transport (Road Rules) Regulation 2017 <p>The ACT has a class of vehicles called 'personal mobility device' which includes e-scooters, e-skateboards, and segway-like devices. These are permitted on footpaths, shared paths, bicycle paths and the bicycle side of separated paths. They are not permitted on roads, unless no footpath is available. Further information available here.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required.</p>
Queensland	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Transport Operations (Road Use Management) Act 1995 • Transport Operations (Road Use Management-road Rules) Regulation 2009 <p>Electric bikes can be ridden on all Queensland roads and paths, except where bicycles are prohibited. Further details available here.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required.</p>	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Transport Operations (Road Use Management) Act 1995 • Transport Operations (Road Use Management-road Rules) Regulation 2009 • Transport Operations (Road Use Management—Road Rules) (Personal Mobility Devices) Amendment Regulation 2018 <p>Queensland has a class of vehicles referred to as 'personal mobility devices' which includes e-scooters, e-skateboards, and self-balancing single wheeled devices (like e-unicycles and e-boards).</p> <p>E-scooters can be ridden on specific roads in some locations. Riders must be at least 16 years old, or at least 12 years old and supervised by an adult. Further details available here.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required. However, mobility scooters must be registered. See here.</p>
Tasmania	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Traffic Act 1925 • Road Rules 2019 	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Traffic Act 1925 • Road Rules 2019

	<ul style="list-style-type: none"> • Traffic (Compliance and Enforcement) Regulations 2017 <p>Power-assisted pedal cycles and electrically power-assisted bicycles that fall within the relevant definitions are permitted.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required.</p> <p>Other: Tasmania is currently reviewing the regulations relating to e-bikes. Further information available here.</p>	<ul style="list-style-type: none"> • Traffic Amendment (Personal Mobility Devices) Act 2021 • Traffic (Compliance and Enforcement) Regulations 2017 <p>Tasmania has a class of vehicles called 'personal mobility device' which includes e-scooters and e-skateboards. Further information available here.</p> <p>Registration/Insurance/Licensing: No registration, licensing or insurance required.</p>
Northern Territory	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Traffic Regulations 1999 • Traffic Act 1987 <p>E-bikes must follow the same rules as a regular bicycle. Further information available here.</p> <p>Insurance/Licensing No registration, licensing or insurance required.</p>	<p>Relevant legislation:</p> <ul style="list-style-type: none"> • Traffic Regulations 1999 • Traffic Act 1987 <p>Private e-scooters can only be ridden on private property only.</p> <p>The only e-scooters that are permitted in public places are those provided by Beam Mobility Australia. Further information available here.</p> <p>Insurance/Licensing No registration, licensing or insurance required. People injured using a for-hire e-scooter are required to lodge a claim with the relevant scooter company.</p>