



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: ICC:JBsb101125

10 November 2025

The Hon. John Graham MLC
Minister for Transport
Parliament House
SYDNEY NSW 2000

By online form

Dear Mr Graham,

Road Transport and Other Legislation Amendment (Micromobility Vehicles and Smartcards) Bill 2025

We are writing to you regarding the Road Transport and Other Legislation Amendment (Micromobility Vehicles and Smartcards) Bill 2025 (NSW) (**Bill**).

The Law Society supports the intention of the Bill in introducing a regulatory framework for micromobility vehicles to ensure that operators adhere to minimum safety standards. We note that proposed s 148Z of the *Road Transport Act 2013* (NSW) would allow for the statutory rules to provide for standards or requirements relating to operating micromobility vehicle sharing services, including safety standards and minimum insurance requirements.

As currently drafted, the Bill expressly excludes micromobility vehicles from the *Motor Accident Injuries Act 2017* (NSW) and from claims against the Nominal Defendant for uninsured vehicle accidents. Further, amendments to the *Motor Accidents (Lifetime Care and Support) Act 2006* (NSW) mean that micromobility vehicle accidents, where a motor vehicle is not involved, will not be covered under the Lifetime Care and Support Scheme.

The inquiry of Portfolio Committee No 6 into the 'Use of e-scooters, e-bikes and related mobility options' (**Inquiry**) recommended that the Government 'investigate, as a matter of urgency, potential settings to create a viable model for e-mobility insurance, including compulsory insurance for owners/riders'.¹ This recommendation was agreed to in principle by the Government.²

In light of this recommendation, and given the express exclusion by the Bill of micromobility vehicles from the current Compulsory Third Party (**CTP**) scheme, we suggest that it will be important for the Government to undertake these urgent investigations. As noted in our submission to the Inquiry (**Attachment A**), the Government should ascertain whether there is a viable, existing market for personal accident and public

¹ NSW Parliament, Portfolio Committee No 6, '[Use of e-scooters, e-bikes and related mobility options](#)' (Report, 13 February 2025), Recommendation 33.

² NSW Government, '[Response to inquiry by Portfolio Committee No 6 on the use of e-scooters, e-bikes and related mobility options](#)' (13 May 2025).



liability insurance available to micromobility vehicle sharing services and whether appropriate protection is offered for riders and injured third parties. We suggest that it is also important for the Government to put in place alternatives for a person who sustains serious injuries caused by an micromobility accident where the rider is uninsured.

A practical example of the need for urgent investigations into insurance options, whether through a statutory scheme, compulsory private insurer or membership organisation, would be the case of a child who sustains serious injuries through a collision with another child riding an e-scooter, where both e-scooters are uninsured. The children's injuries could give rise to treatment, care and support needs across their lifetime, and may interfere with their ability to work in the future. As a result, they may need to access a range of government services, for example, education supports, Centrelink, Medicare and the National Disability Insurance Scheme. We suggest that it would be appropriate for the injured persons' compensation and rehabilitation needs to be covered, at least in part, by an insurer rather than state and government supports alone.

Thank you for your consideration of these issues. 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,

Jennifer Ball

President

Attachment.

cc: The Hon. Jennifer Aitchison MP, Minister for Regional Transport, and Minister for Roads



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: ICC:BMsb150824

15 August 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

The Law Society is grateful for the opportunity to make a submission to Portfolio Committee No.6 – Transport and the Arts (**Portfolio Committee**) in relation to the inquiry on the use of e-scooters, e-bikes and related mobility options. The Law Society's Injury Compensation Committee contributed to this submission, which is relevant primarily to terms of reference (b) and (e). Complex policy issues arise in attempting to balance the need for a regulatory framework that ensures safe outcomes for riders and the community, without unduly impinging on the individual and community benefits that may accrue from the availability of e-scooters, e-bikes and related mobility options (**e-scooters/e-bikes**).

The Law Society supports the view set out in the NSW Active Transport Strategy that e-micromobility options, including e-bikes and e-scooters, can serve as a 'safe, sustainable and accessible transport option for people of NSW'.¹ From a legal perspective, we are particularly alive to issues of insurance in relation to potential liability from the use of e-scooters/e-bikes.

Current arrangements for e-scooters/e-bikes

The current CTP scheme allows for any person injured in a motor vehicle accident to make a compulsory third party insurance claim for benefits including income support, medical expenses and/or vocational rehabilitation. However, no statutory benefits are payable to injured persons who are charged or convicted of a serious driving offence in relation to the accident or, in the case of an at-fault driver, where the vehicle in question is uninsured.²

The question of whether an e-bike is a 'motor vehicle' under the *Motor Accident Injuries Act 2017* (NSW) (**Act**) is not settled in law. However, we refer the Portfolio Committee to a recent decision in the Personal Injury Commission, where it was held that the e-bike in question was not a motor vehicle for the purposes of the Act: see *CFD v AAI Limited t/as AAMI* [2023] NSWPIC 592. Similarly, in a recent case in the District Court, an e-bike was held not to fall

¹ Transport for NSW, [E-micromobility](#), Webpage, reviewed 13 August 2024.

² See s 3.37 and 3.36 of the *Motor Accident Injuries Act 2017* (NSW).

within the definition of 'motor vehicle' under s 4 of the *Road Transport Act 2013* (NSW): see *R v Fortuna* [2024] NSWDC 328.

Given that it appears that e-scooters/e-bikes may be mostly exempt from the Compulsory Third Party (CTP) Scheme which applies to motor vehicles in NSW, we encourage the Portfolio Committee to recommend early and thorough consultation with stakeholders by Transport for NSW, and/or the State Insurance Regulatory Authority, on how to achieve appropriate and proportionate regulatory settings to respond to serious accidents involving riders of e-scooters/e-bikes, and/or any injured third party. While we appreciate that the inquiry of the Portfolio Committee will canvass some of the high-level issues around regulation, we note that the task of arriving at the right policy settings will require the consideration of detailed consultation proposals, informed by the technical expertise of Transport for NSW and other government stakeholders, coupled with data to understand the financial implications of any relevant insurance options.

In our view, any consultation should canvass the appropriate standards for e-scooters/e-bikes that will be permitted for legal use in NSW. We consider that specifications around structural weight, power output and/or speed would be of particular relevance. Further consideration will also need to be given to whether such specifications apply to manufacturers, and/or to people who modify e-scooters/e-bikes after the point of sale.

If licencing and registration of e-scooters/e-bikes is to be considered, it would be helpful to examine whether such regimes should apply to commercial operators only, so as not to detract from the health and mobility benefits associated with personal/recreational cycling. It would also be important to take into account the impact that licencing and registration would have on certain demographics who rely heavily on e-scooters/e-bikes for mobility, such as people from low socio-economic backgrounds and people with disability.

The consultation should not be confined, however, to an examination of a regulatory model based on, or integrated with, the current CTP scheme. We note our preliminary view that there may be 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, as is currently offered by some cycling membership organisations and other insurance providers. An analysis of the operation of these types of insurance to date would be important in ascertaining whether they offer appropriate protection for riders and injured third parties. Any discussion would need to consider alternatives for a person who sustains serious injuries caused by an e-scooter/e-bike where the rider is uninsured.

Given the proliferation of e-scooters/e-bikes, it will be important to actively monitor the statistics around the number and nature of injuries sustained as a result of accidents. In this respect, we highlight concerns voiced by the Australian Automobile Association earlier this year, which drew attention to 'inconsistencies in data collection and reporting between states and territories' in relation to e-scooter accidents.³ We further encourage consideration of the role of education and safe road user training that will be essential in supplementing any regulatory response.

The Law Society acknowledges that the above issues are complex policy questions. Early consultation, coupled with monitoring of the relevant statistics, will help ensure a proportionate response that does not detract from the benefits of e-scooters/e-bikes, while ensuring that serious injuries are dealt with appropriately.

³ Australian Automobile Association, [Data failings prevent e-scooter safety analysis](#), media release, 29 January 2024.

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,

A handwritten signature in black ink, appearing to read 'Brett McGrath', with a stylized, cursive script.

pp.
Brett McGrath
President