



New South Wales

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

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows—

- (a) to amend the *Road Transport Act 2013* to—
 - (i) require operators of micromobility vehicle sharing services to be approved by Transport for NSW and be authorised by the local council or public authority (an **authority**) responsible for each area in which the sharing service operates, and
 - (ii) provide for compliance and enforcement powers in relation to the operation of micromobility vehicle sharing services,
- (b) to clarify that legislation relating to deaths or injuries arising from motor vehicle accidents does not apply to accidents involving micromobility vehicles only,
- (c) to amend the *Passenger Transport Act 1990* and the *Passenger Transport Act 2014* in relation to smartcards, including providing for the forfeiture of funds on dormant smartcards.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Schedule 1[2] inserts proposed Part 5.7, which relates to micromobility vehicle sharing services as follows—

- (a) proposed Division 1—
 - (i) defines certain terms used in the proposed part, including definitions of *area of operations*, *authority*, *micromobility vehicle* and *operates a micromobility vehicle sharing service*, and
 - (ii) creates the following offences, each with a maximum penalty of 500 penalty units—
 - (A) operating a micromobility vehicle sharing service without holding an operator approval,
 - (B) operating a micromobility vehicle sharing service in an authority's area of operations if the holder of an operator approval (an *approved operator*) does not also hold an operating authorisation granted by the authority,
 - (C) making a micromobility vehicle available for hire through a micromobility vehicle sharing service if the vehicle contravenes the requirements of the statutory rules, and
 - (iii) enables the making of statutory rules relating to micromobility vehicle sharing services,
- (b) proposed Division 2—
 - (i) provides for the form of operator approvals, and
 - (ii) provides that operator approvals may be granted or renewed for periods of up to 5 years, and
 - (iii) provides that operator approvals cannot be transferred, and
 - (iv) sets out the processes and requirements for—
 - (A) applying for and granting operator approvals, and
 - (B) renewing operator approvals, including the continuation of approvals that expire before an application for renewal is decided, and
 - (v) enables Transport for NSW to suspend an operator approval on one or more of the following grounds—
 - (A) if Transport for NSW is satisfied the approved operator has contravened a requirement of proposed Part 5.7 or the statutory rules made under the proposed part,
 - (B) the approved operator has been convicted of a second or subsequent offence relating to unattended property under the *Public Spaces (Unattended Property) Act 2021*, Part 6,
 - (C) another ground prescribed by the statutory rules, and
 - (vi) enables Transport for NSW to revoke an operator approval on one or more of the following grounds after a show cause process—
 - (A) the approved operator has been convicted of an offence against proposed Part 5.7,
 - (B) the approved operator has operated a micromobility vehicle sharing service during a period of suspension,
 - (C) the approved operator has not, during a period of suspension, addressed the matters providing grounds for the suspension,
 - (D) the approved operator has given information for proposed Part 5.7 that is false or misleading in a material way,
 - (E) the approved operator has been convicted of a second or subsequent offence relating to unattended property under the *Public Spaces (Unattended Property) Act 2021*, Part 6

- (F) another ground prescribed by the statutory rules, and
- (vii) provides for the automatic suspension or revocation of an operator approval if the holder of the approval is convicted of an offence prescribed by the statutory rules, and
- (viii) enables the holder of an operator approval to surrender the approval, and
- (ix) requires Transport for NSW to keep a public register of operator approvals,
- (c) proposed Division 3—
 - (i) sets out the processes and requirements for applying for and granting operating authorisations, and
 - (ii) enables Transport for NSW to direct an authority to grant an operating authorisation in certain circumstances, and
 - (iii) provides that an authority may impose, vary or revoke conditions on operating authorisations at any time, and
 - (iv) enables the statutory rules to prescribe standard conditions that apply to all operating authorisations, and
 - (v) sets out the effects on an operating authorisation if the approved operator's operator approval is suspended, revoked, surrendered or otherwise ceases to have effect in accordance with proposed Division 2,
- (d) proposed Division 4—
 - (i) enables Transport for NSW and authorities to make orders (**removal orders**) requiring micromobility vehicles to be removed from an area of operations in certain circumstances, and
 - (ii) makes it an offence, with a maximum penalty of 500 penalty units and an additional 50 penalty units for each day the offence continues, to contravene a removal order, and
 - (iii) enables authorities to appoint enforcement officers for proposed Part 5.7, and
 - (iv) enables enforcement officers to take possession of micromobility vehicles in certain circumstances, including if a removal order is not complied with, and
 - (v) enables Transport for NSW or an authority to require persons to give Transport for NSW or the authority specified information in relation to the operation of micromobility vehicle sharing services, and
 - (vi) enables Transport for NSW to require an approved operator to submit micromobility vehicles for inspection and testing.

Schedule 1[1] makes an amendment consequential to the amendment made by Schedule 1[2].

Schedule 1[3] clarifies that a person who is disqualified from holding a driver licence may nonetheless drive a vehicle for which the person is not required to be licensed if the type of vehicle is exempt from registration, for example, an electric scooter.

Schedule 2 Amendment of Motor Accident Injuries Act 2017 No 10

Schedule 2[1] inserts a definition of **micromobility vehicle** for the *Motor Accident Injuries Act 2017* (the *Injuries Act*).

Schedule 2[2] clarifies that the Injuries Act does not apply to a death or injury involving the use or operation of a micromobility vehicle if no motor vehicles other than micromobility vehicles are involved in the accident.

Schedule 2[3] provides that there is no right of action against the Nominal Defendant under the Injuries Act, section 2.29 if the uninsured motor vehicle causing death or injury is a micromobility vehicle.

Schedule 3 Amendment of Motor Accidents (Lifetime Care and Support) Act 2006 No 16

Schedule 3[1] inserts a definition of *micromobility vehicle* for the *Motor Accidents (Lifetime Care and Support) Act 2006*.

Schedule 3[2] clarifies that the *Motor Accidents (Lifetime Care and Support) Act 2006* does not apply to a motor accident injury involving the use or operation of a micromobility vehicle if no motor vehicles other than micromobility vehicles are involved in the accident.

Schedule 4 Amendment of Passenger Transport Act 1990 No 39

Schedule 4 enables the making of regulations to provide for the use of smartcards subject to the terms and conditions published by Transport for NSW under the *Passenger Transport Act 2014*, proposed section 128A, as inserted by Schedule 5[3].

Schedule 5 Amendment of Passenger Transport Act 2014 No 46

Schedule 5[1] and [2] define *smartcard* and *smartcard reader* for the *Passenger Transport Act 2014*. Schedule 5[1] defines both terms by reference to the *Passenger Transport Act 1990* and Schedule 5[2] provides for the continuation of those definitions in the same terms if the latter Act is repealed by the commencement of the *Passenger Transport Act 2014*, section 179.

Schedule 5[3] inserts proposed sections 128A and 128B into the *Passenger Transport Act 2014*. Proposed section 128A provides for Transport for NSW to, by order published in the *Gazette*, determine terms and conditions for the use of smartcards. Proposed section 128B provides that 5 years after a smartcard of a class prescribed by the regulations was last used—

- (a) money held by Transport for NSW for the card is forfeited to the TfNSW Fund established under the *Transport Administration Act 1988*, section 77, and
- (b) the cardholder forfeits the cardholder's entitlements to—
 - (i) travel on public transport using the balance of funds on the card, and
 - (ii) a refund of the cardholder's account balance.

Schedule 5[4] makes an amendment to proposed section 128B to ensure consistency of language if the *Passenger Transport Act 1990* is repealed by the commencement of the *Passenger Transport Act 2014*, section 179.

Schedule 5[5] enables the making of regulations under the *Passenger Transport Act 2014* to provide for the use of a smartcards subject to the terms and conditions published by Transport for NSW under proposed section 128A, as inserted by Schedule 5[3], if the *Passenger Transport Act 1990* is repealed by the commencement of the *Passenger Transport Act 2014*, section 179.

Schedule 5[6] inserts a proposed savings and transitional provision consequent on the commencement of proposed section 128A.

Schedule 6 Amendment of Passenger Transport (General) Regulation 2017

Schedule 6 makes an amendment consequential to the amendments made by Schedules 4 and 5.