

6 December 2022

Standing Committee on Law and Justice
Parliament of New South Wales
6 Macquarie Street
Sydney NSW 2000

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

Dear Committee Members

Question on notice: Inquiry into the 2022 Review of the Compulsory Third Party insurance scheme

During the Committee's hearing into the 2022 Review of the Compulsory Third Party insurance scheme on Friday, 18 November 2022, at which I appeared on behalf of the Public Interest Advocacy Centre, I received the following question on notice:

The Hon. GREG DONNELLY: We have limited time, so I will share questions as best I can. Some will be helpfully responded to by us placing some questions on notice to give the time for a response. I thank all submitters and all organisations represented today. Starting with Ms Cohen and Ms Balakrishnan, I thank you very much for raising matters with respect to e-scooters. It raises a number of issues, and you said that you're seeking to place them on a table. We thank you for doing that. With respect to your recommendation on page 3 of your submission, you say in the first paragraph:

Where the NSW Government allows and regulates e-scooter use, the NSW Government should ensure that members of the public are covered in the event they are injured because of an e-scooter accident.

I invite you to answer this question in summary: In terms of what you understand now is the formal regulation of e-scooters in this State by the New South Wales Government, what do you understand that regulation to be?

SHEETAL BALAKRISHNAN: The understanding of that regulation—framework, essentially—is that the New South Wales Government has introduced certain rules, for example, where e-scooters can be ridden, the different types of paths they can be ridden on, the different speed limits that apply to those different paths and other regulatory rules, including whether helmets are to be worn and what side of the path you ride on. I hope that answers your question.

The Hon. GREG DONNELLY: I'll just press you a little bit further. Are these regulations that have been formally put through the Parliament by the Government? In other words, has the

Government passed formal regulations of the Parliament for these matters, or are these guidelines or expectations that have been put out in documents or what have you?

SHEETAL BALAKRISHNAN: I might have to take that question on notice...

My response to this question on notice is as follows.

The *Road Amendment (Electric Scooter Trial) Rule 2022* (NSW) made under section 23 of the *Road Transport Act 2013* (NSW) amended the following:

- *Road Rules 2014* (NSW);
- *Road Transport (Driver Licensing) Regulation 2017* (NSW);
- *Road Transport (General) Regulation 2021* (NSW); and
- *Road Transport (Vehicle Registration) Regulation 2017* (NSW).

The general rules for electric scooter riders (ie, the paths for riding e-scooters, speed limits, wearing of bicycle helmets, etc) are in Part 15-1 of the *Road Rules 2014* (NSW).

The *Road Amendment (Electric Scooter Trial) Rule 2022* (NSW) is a statutory instrument made by Her Excellency the Governor under the authority of the *Road Transport Act 2013* (NSW). As delegated legislation, it has not been passed by the Parliament.

Thank you for the opportunity to provide this response to the above question on notice.

Please do not hesitate to contact me at the details provided should you require clarification or additional information.

Yours sincerely

Sheetal Balakrishnan
Senior Solicitor