



REGULATIONS REVIEW COMMITTEE

27 May 2019

Hon Phil Twyford
Minister of Transport
Executive Wing
Parliament
Wellington

Dear Mr Twyford

Complaint E-scooters (Declaration Not to be Motor Vehicles) Notice 2018

The committee has received three complaints from members of the public about the E-scooter (Declaration Not to be Motor Vehicles) Notice 2018 (the Notice), which was made by the New Zealand Transport Agency under section 168A of the Land Transport Act 1998 on 18 September 2018.

Committee's jurisdiction

The committee's jurisdiction in relation to regulations is set out in the Standing Orders of the House of Representatives. Under Standing Order 318(5), the committee may investigate complaints about the operation of regulations, and may report on complaints to the House of Representatives. Where a complaint relates to one of the grounds set out in Standing Order 319(2), the committee can draw the regulation to the special attention of the House. A member of the committee can also give notice of a motion to disallow a regulation under section 43 of the Legislation Act 2012.

The complaints

The complaints in this case asked the committee to disallow the Notice on a variety of grounds under the Standing Orders, but particularly Standing Order 319(2)(a)—that the Notice was not made in accordance with the general objects and intentions of the enactment under which it is made.

The complainants alleged that the Notice is inconsistent with the purpose of the Land Transport Act 1998 (the Act) to promote safe road user behaviour and vehicle safety. Specifically, they are concerned that e-scooters were declared to not be motor vehicles

without adequate consideration of their effect on the safety of people using footpaths, particularly the elderly and people with a disability.

We received written responses to the complaints from both the New Zealand Transport Agency (NZTA) and the Ministry of Transport. At our meeting on 22 May 2019, we heard oral submissions from two of the complainants and officials of both agencies.

The committee's conclusion

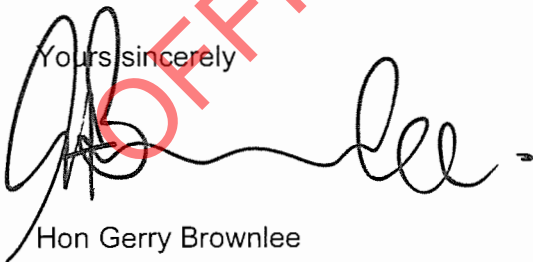
The committee understands that, by declaring e-scooters to not be motor vehicles, the operation of e-scooters is only regulated by the Land Transport (Road User) Rule 2004. Clause 11.1 of that Rule requires that the driver of a wheeled recreational device (which includes an e-scooter) must not operate that device on a footpath at a speed that constitutes a hazard to other footpath users.

The committee is concerned that leaving the speed of e-scooters to be solely regulated by clause 11 is inconsistent with promoting safe road user behaviour because it is vague and enforcement is difficult. Clause 11 would be adequate in relation to low-speed children's e-scooters, but not for the high-speed versions currently being operated in significant numbers across New Zealand cities. This conclusion may meet the ground in Standing Order 319(2)(a) described above.

If the committee concludes the complaints satisfy this ground, it has a range of options under the Standing Orders. However, it seems to us that the best way of ensuring safe regulation of the speed of e-scooters is to either place a speed condition on their operation or to reduce their maximum power output. Either option would require an amendment to section 168A of the Act, perhaps by way of a Statutes Amendment Bill. If you agreed that urgent action was required to increase the regulation of the speed of e-scooters and directed your officials accordingly, the committee would be satisfied to delay consideration of its options under the Standing Orders.

The committee would appreciate hearing whether you agree with the committee's conclusions. Please address that response to Hon Gerry Brownlee, Chairperson and either email the response to the clerk of the committee, at rr@parliament.govt.nz, or send the response to Regulations Review Committee, Bowen House, Parliament Buildings, by Friday 21 June 2019.

Yours sincerely



Hon Gerry Brownlee
Chairperson
Regulations Review Committee