

OFFICIAL: Sensitive

Your Ref: 23-1005 Enquiry: 7322 3347 Facsimile: 7322 4180

Mr Vincent Tarzia Hartley Electorate Office 25 Montacute Road CAMPBELLTOWN SA 5074

Email: james.matthews@parliament.sa.gov.au

Dear Mr Tarzia

Re: Freedom of Information Act application

In reference to your application made pursuant to the *Freedom of Information Act 1991* (FOI Act), access was sought to:

"A copy of data reflecting how many South Australians have been issued explations and any other fines related to the use of privately owned electronic personal transport devices including e-scooters, e-skateboards, one-wheels and other similar devices from 1/02/2019 to 4/11/2022."

It is determined to **refuse access** to this data pursuant to S20(1)(b) of the Freedom of Information Act 1991 which relevantly states:-

"An agency may refuse access to a document if it is a document that is available for inspection at that or some other agency (whether as part of a public register or otherwise) in accordance with Part 2, or in accordance with a legislative instrument other than this Act, whether or not inspection of the document is subject to a fee or charge;"

The information you have requested is available as part of the published Expiation Notice System data set at Data SA. The data that falls within the scope of your request is published and can be found at: <u>https://data.sa.gov.au/data/dataset/expiation-notice-system-data</u>. Data is available to the end of September 2022, with the current quarter to be published early in the New Year.

The offence codes included in this data set are listed below. There are numerous offence codes which may include, but are not limited to the types of vehicles listed, and may include e-bikes, mobility scooters and other similar vehicles. Offence codes M803/M804 are the only codes that specifically relate to e-scooters.



Government of South Australia

Service Integrity Leadership Collaboration Courage Respect South Australia Police, GPO Box 1539, Adelaide SA 5001 ABN 93 799 021 552 www.police.sa.gov.au



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Offence		Code
S99B(1)	Riding wheeled recreational device or wheeled toy on road without due care or attention etc. Where riding a wheeled recreational device on a road that is;	M855
	 A one-way road with 2 or more marked lanes (other than bicycle lanes); or A two-way road with 2 or more marked lanes (other than bicycle lanes), on either side of the road, for vehicles travelling in same direction; or A road which the speed limit is greater than 60km/h 	
	Any other case	M856
S99B(1)	Riding wheeled recreational device or toy without due care	A635
S99B(2)	Riding abreast of another wheeled recreational vehicle or toy on footpath	A641
S99B(3)	Riding wheeled recreational device or toy - fail to give warning on footpath	A642
S162C(1)	Ride on wheeled recreational device or toy without safety helmet	A649
S162C(2)	Ride wheeled recreational device/toy carrying child under 16 years not wearing safety helmet	A650
S162C(2a)	Parent or person having custody/care of child under 16 cause/permit child to ride/be carried on wheeled recreational device/toy without helmet	A651

Offence		Code
30A(4)	Riding electric personal transporter without due care or attention etc	M870
30A(10)	Riding electric personal transporter on footpath or other road-related area without giving warning to pedestrians etc	M872
30A(2)	Riding or being carried on electric personal transporter without wearing safety helmet complying with regulation and properly adjusted and securely fastened	M873
30(1)	Operator of electric personal transporter failing to provide adequate instruction or reasonable supervision	M876
30(2)	Operator of electric personal transporter causing or permitting person under 12 years, or person without safety helmet complying with regulation and properly adjusted and securely fastened, to ride or be carried on the transporter	M878
30A(3)(a)	Riding electric personal transporter at a speed exceeding 15kph	M879
30A(5)	Riding electric personal transporter without having proper control of the transporter	M880
30A(6)	Rider of electric personal transporter causing or permitting another person to ride or be carried on the transporter at the same time	M881
30A(7)	Person in possession or control of electric personal transporter causing or permitting person under 12 years to ride or be carried on the transporter	M882
30A(8)	Riding electric personal transporter within 2 metres of motor vehicle continuously for more than 200 metres	M883
30A(9)	Riding electric personal transporter on footpath or other road related-area abreast of another wheeled recreational device etc	M884
30A(11)	Riding electric personal transporter on crossing – failing to comply with regulation	M885
30A(12)	Riding electric personal transporter at night or in hazardous weather conditions without displaying lights etc	M886

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, will be published on the SAPOL website Disclosure Log. A copy of PC045 can be found at https://www.dpc.sa.gov.au/data/assets/pdf file/0019/20818/PC045-Disclosure-Log-Policy.pdf. If you disagree with publication, please advise the undersigned in writing by 2 January 2023.

Your rights to review

If you are dissatisfied with this determination, you are entitled to exercise your right of internal review in accordance with section 29(1) of the FOI Act by completing a PD362 Application for Internal Review form, which can be downloaded from https://www.police.sa.gov.au/services-and-events/freedom-of-information or available upon request at your nearest police station. Alternatively, an application may be made in writing to the SAPOL Freedom of Information Unit. This application must be lodged within 30 (calendar) days after you receive this letter with a fee of \$39.00, if applicable.

Yours sincerely

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Sergeant Kelly Johnson **Freedom of Information Unit** (Accredited Freedom of Information Officer)

1 December 2022