

Road Transport (General) (Segway Exemption) Determination 2011 (No 2)

Disallowable instrument DI2011—263

Road Transport (General) Act 1999, section 13 (Power to exclude vehicles, persons or animals from road transport legislation)

1 Name of instrument

This instrument is the *Road Transport (General) (Segway Exemption) Determination 2011 (No 2)**.

2 Commencement

This instrument commences on the day after it is notified.

3 Declaration

- (1) I declare that a segway, or an operator or a rider of a segway, is exempt from the legislation mentioned in subsection (2) if—
 - (a) for an operator of a segway, or the operator's segway—the circumstances mentioned in subsection (3) apply; and
 - (b) for a rider of a segway or the segway the rider is riding—the circumstances mentioned in subsection (4) apply.
- (2) For subsection (1), the legislation is the road transport legislation, other than—
 - (a) the *Road Transport (Alcohol and Drugs) Act 1977*; and
 - (b) the *Road Transport (General) Act 1999*, section 231 (Person not to hinder or obstruct);
 - (c) the *Road Transport (Safety and Traffic Management) Act 1999*, sections 5A, 6 to 8 and 16 (which are about speeding etc);
 - (d) the following provisions of the Australian Road Rules:
 - (i) rule 287 (Duties of a driver involved in a crash);
 - (ii) rule 290 (Driving on a traffic island), except to cross a road on a path;
 - (iii) rule 296 (Driving a vehicle in reverse);
 - (iv) rule 300 (Use of mobile phones);

*Name amended under Legislation Act, s 60

- (v) rule 304 (Direction by a police officer or authorised person).
- (3) For subsection (1) (a), the circumstances are that—
- (a) the operator of the segway commercially operates the segway; and
 - (b) the operator is authorised (however described) by the national capital authority to operate the segway commercially; and
 - (c) the operator has undertaken a risk assessment using the ACT Treasury risk assessment tool and has established a risk management plan for those risks; and
 - (d) the operator maintains at least \$20 million public liability insurance coverage that fully indemnifies the Territory and the nominal defendant in regard to any segway the operator owns, provides a copy of the insurance policy to ACT Insurance Authority and advises the ACT Insurance Authority if the operator’s insurance policy is cancelled or not renewed and, in the case of renewal or replacement, provides a copy to the ACT Insurance Authority; and
 - (e) the segway is limited by key to a maximum speed of 12km/h; and
 - (f) the operator informs the rider of the requirements for use of the segway mentioned in subsection (4), and that failure to comply with the requirements may expose the rider to penalties under the road transport legislation.
- (4) For subsection (1) (b), the circumstances are that—
- (a) the rider uses the segway with the permission of the operator; and
 - (b) the rider keeps to the left of any path, except when overtaking, and gives way to all pedestrians, including pedestrians riding wheeled recreational devices; and
 - (c) the segway is used only during daylight hours; and
 - (d) no passengers, including animals, are carried on the segway; and
 - (e) the segway is not used to tow, or is not towed by, another vehicle; and
 - (f) the segway is not ridden on a dividing strip or median strip; and
 - (g) the rider of the segway complies with the Australian Road Rules, part 14 (Rules for pedestrians) as if the rider were a pedestrian; and
 - (h) the segway is used only within the declared area.

4 Definitions

In this instrument:

ACT Treasury risk assessment tool means the risk assessment tool available at <http://www.insuranceriskadvice.act.gov.au/riskadvisory/business/risk.nsf>,

commercially operates—a person *commercially operates* a segway if the person hires or rents the segway for reward or commercial gain.

declared area means that part of the Lake Burley Griffin foreshores within the boundaries of the area outlined in Schedule 1.

operator means the business that is offering segways for hire.

rider means the person riding the segway.

risk management plan means a plan developed by an operator for managing the assessed risks. Refer *ACT Treasury risk assessment tool*.

segway means a two wheeled self-balancing segway personal transporter.

5 Expiry

This instrument expires on 30 June 2012.

6. Revocation

This instrument revokes DI2011-251.

Simon Corbell
Attorney-General
30 September 2011

Schedule 1 – Declared Area
(see declared area, cl 4)

