

Road Transport (General) Application of Road Transport Legislation (Pedicab) Declaration 2018*

Disallowable instrument DI2018–244

made under the

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) Application of Road Transport Legislation (Pedicab) Declaration 2018*.

2 Commencement

This instrument commences on the day after notification.

3 Declaration

(1) I declare that a pedicab service operator is exempt from complying with :

- a) the *Road Transport (Public Passenger Services) Act 2001*;
- b) the *Road Transport (Public Passenger Services) Regulation 2002*; and
- c) Division 3.10 Public Vehicle Licences of the *Road Transport (Driver Licensing) Regulation 2000*.

(2) I declare that this exemption only applies in the circumstances in schedule 1 (Circumstances apply to pedicab service operators).

4 Definitions

In this instrument:

Approved bicycle helmet has the meaning given in the *Road Transport (Road Rules) Regulation 2017*, dictionary

*Name amended under Legislation Act, s 60

Fee for service means the provision of service(s) for which a fee is charged.

Pedicab means a three-wheeled bicycle that carries a rider and a maximum of two passengers, is pedal assisted, and may have an electric motor with a power of up to 250 Watts and a maximum powered speed of 25km/h.

Pedicab service operator means a person who provides passengers services using a pedicab on a fee for service basis that has been approved by the road transport authority in accordance with schedule 1.

Road transport legislation – see the *Road Transport (General) Act 1999*, section 6.

Shane Rattenbury MLA
Minister for Justice, Consumer Affairs and Road Safety
3 September 2018

Schedule 1

Circumstances applying to Pedicab Service operators

(see clause 4 (2))

1.1 Circumstances applying to Pedicab Service operators

For clause 4 (2) the circumstances are as follows:

1. A pedicab service operator and all riders employed by a pedicab service operator must comply with the Australian Road Rules and the ACT road transport legislation including adhering to:
 - a. the requirement for all riders to wear approved helmets; and
 - b. the requirement for bicycles to have lights, warning bell, brakes; and
 - c. the requirement to give way to pedestrians.
2. The area of operation on shared paths on National Land (Designated Area as defined in the National Capital Plan¹) are as shown on the maps at Attachment A to this Schedule.
3. A pedicab service operator must comply with any conditions of its licence agreement with the National Capital Authority for operation on National Land when on National Land.
4. A pedicab service operator must hold public liability insurance at a minimum of \$5m.
5. A pedicab service operator must ensure all riders employed by it hold a full Australian driver licence to ensure they have sufficient knowledge of the road rules.
6. All pedicabs being used by a pedicab service operator must have been inspected and approved as roadworthy and safe by the road transport authority prior to services commencing. Every new pedicab the operator proposes to use to provide the services must be inspected and approved as roadworthy and safe

¹ Designated area is an area of land identified as having the ‘special characteristics of the National Capital’ under subsection 10 (1) of the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth). Designated areas comprise: Lake Burley Griffin and its Foreshores; the national triangle and adjacent sites; the balance of the Central National Area adjoining the Lake and the Triangle, and extending from the foot of Black Mountain to the airport; sites set aside solely for diplomatic use; the Inner Hills which form the setting of the Central National Area and the main avenues and approach routes between the ACT border and the Central National Area.

by the road transport authority prior to it being used to provide pedicab passenger services.

7. A pedicab service operator must report any accidents or incidents relating to the services (this includes collisions) to the road transport authority.
8. A pedicab service operator must ensure the pedicabs are maintained, serviced and inspected so as to remain roadworthy at all times.
9. A pedicab operator must ensure that a pedicab that does not pass an inspection or has safety equipment that is not working, and is deemed to be unsafe is not used.
10. A pedicab service operator must ensure there is an ability for riders to inspect the pedicab before use and a mechanism for reporting vehicle or equipment defects and faults.
11. A pedicab service operator must ensure all riders who use the pedicab are aware of their legal requirements under the road transport legislation for operating the pedicab.
12. A pedicab service operator must not rent the pedicabs to the public. A rider employed by a pedicab service operator must be in the pedicab when providing services.
13. The rider must ride in a safe manner at all times, and not negligently or wilfully move, drive or cause the vehicle to be moved or driven so that any person is subject to risk of injury.
14. A pedicab service operator must have procedures for handling and recording customer complaints and dispute resolution.
15. A pedicab service operator must respond to the road transport authority within seven (7) days after a customer complaint has been forwarded to it by the road transport authority.
16. A pedicab service operator must establish procedures for managing lost property.

