

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

Disallowable Instrument DI2011—263

made under the

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

EXPLANATORY STATEMENT

Subsection 13(1) of the *Road Transport (General) Act 1999* (the Act) empowers the Minister to declare that the road transport legislation, or a provision of the road transport legislation, does not apply to a vehicle, person or animal in a place or circumstance stated in the declaration. Subsection 13(2) of the Act makes such a declaration a disallowable instrument.

Clauses 1 and 2 are formal provisions dealing with the name and commencement of the instrument.

Clause 3 of the instrument disapplies the road transport legislation in the place and circumstances identified in the declaration.

Subsection (1) provides that the operator of a segway, a segway owned by the operator, the rider of a segway and the segway a person is riding are exempt from the road transport law apart from those parts identified in subsection (2) and in the circumstances described in subsections (3) and (4) respectively.

Subsection (2) provides that sections of the *Road Transport (Alcohol and Drugs) Act 1977*, *Road Transport (General) Act 1999*, *Road Transport (Safety and Traffic Management) Act 1999* and certain Australian Road Rules continue to be applicable to segways and riders within the declared area of the declaration.

Subsection (3) provides that the operator of the segway must meet certain requirements including that they are authorised by the national capital authority to commercially operate the segway, create a risk profile and risk assessment in accordance with the requirements of the ACT Treasury Directorate, maintain at least \$20 million public liability insurance coverage and advise the ACT Insurance Authority if the operator's insurance policy is cancelled or not renewed. The segway is limited to a maximum speed of 12km/h and the operator must inform the rider of the requirements for use of the segway.

Subsection (4) provides that the rider of the segway must meet certain requirements including only riding with the operator's permission, how the segway should be ridden, when the segway may be used, that no passengers are carried on the segway, that the segway is not used to tow or is not towed by another vehicle, that the segway is not ridden on certain areas, that the rider of the segway complies with the Australian Road Rules part 14 which describes the rules for pedestrians, and that the segway is used only within the declared area.

Clause 4 contains definitions for the instrument.

Clause 5 explains that the declaration expires on 30 June 2012.

Clause 6 explains that this instrument revokes DI2011-251.

Schedule 1 identifies the area in which the declaration is to have effect.