

2013

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ROAD TRANSPORT (GENERAL) AMENDMENT BILL 2013

EXPLANATORY STATEMENT

**Presented by
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Overview of the Bill

The Road Transport (General) Amendment Bill 2013 makes a minor and uncontroversial amendment to the *Road Transport (General) Act 1999* (the General Act) to allow the use of more powerful electric bicycles in the ACT.

In the road transport legislation, a ‘bicycle’ is defined to exclude any vehicle with an auxiliary motor generating a maximum power output of more than 200 watts. Electric bicycles within the limit may be used like normal bicycles in the ACT (that is, without vehicle registration and licensing requirements), but bicycles with electric motors above this limit are classified as motor vehicles instead of bicycles. This makes such bicycles subject to vehicle registration and driver licensing requirements.

In May 2012, the Commonwealth made an amendment to the Australian Design Rules to adopt a definition of ‘pedalec’, meaning a vehicle meeting the standard EN 15194:2009 (+A1:2011) (Cycles—electrically power assisted cycles—EPAC bicycles) as published by the European Committee for Standardisation.

EN 15194 relates to electric bicycles that have a continuous rated power output of no more than 250 watts.

The amendment to the Australian Design rules made pedalecs legal to import, but not legal to use as bicycles in the ACT. A further legislative amendment to the ACT road transport legislation is required to give effect to the Commonwealth amendment.

Power-assisted bicycles are particularly valued by people who benefit from some power assistance for components of their journey (for example because they live in a hillier area or have a disability) but are otherwise capable of cycling. Pedalecs are a more powerful alternative to current electric bicycles, but have stringent safety requirements. Power assistance on a pedalec cuts out at a speed of 25 km/h. Pedalecs also operate in mandatory pedal-assist mode, which means that the pedals must be pushed to activate the motor (preventing users from ‘coasting’ at high speeds and posing a risk to other road users).

The introduction of pedalecs in the ACT will expand the range of high-quality bicycles on the local market that meet the European requirements for construction, electronics and braking.

Human rights implications

No provisions in this Bill engage rights under the *Human Rights Act 2004*. The only effect of this Bill is to broaden a definition in the General Act so that a new category of bicycles can be used in the ACT.

CLAUSE NOTES

Clause 1 **Name of Act**

This Act is the *Road Transport (General) Amendment Act 2013*.

Clause 2 **Commencement**

This clause states that the Act will commence on the day after its notification day.

Clause 3 **Legislation amended**

This clause states that the Act will amend the *Road Transport (General) Act 1999*, *Road Transport (Alcohol and Drugs) Act 1977*, Road Transport (Driver Licensing) Regulation 2000 and Road Transport (Vehicle Registration) Regulation 2000.

Clause 4 **Dictionary, definition of *bicycle***

This clause updates the definition of *bicycle* to insert a reference to the definition of *pedal assisted power cycle* defined in vehicle standards under the *Motor Vehicle Standards Act 1989* (Cwlth), section 7.

The clause also inserts a note to explain that the definition of *power assisted pedal cycle* in the Commonwealth Act includes vehicles referred to as pedalecs.

The maximum allowable power output for other bicycles will not be raised, but instead the definition will be extended to include the alternative category of pedalecs. This is because pedalecs have stringent safety requirements that conventional electric bicycles do not have. These requirements are set out in EN 15194.

Schedule 1 **Consequential amendments**

Part 1.1 **Road Transport (Alcohol and Drugs) Act 1977**

Amendment 1.1 **Section 18A (1), definition of *bicycle***

This amendment removes the definition of *bicycle* from this section because the term is already defined in the *Road Transport (General) Act 1999*, dictionary. The omission of this definition ensures that the definition is consistent across the road transport legislation.

Amendment 1.2 **Section 24A (4), definition of *bicycle***

Like amendment 1.1, this amendment removes the definition of *bicycle* from this section because the term is already defined in the *Road Transport (General) Act 1999*, dictionary. The omission of this definition ensures that the definition is consistent across the road transport legislation.

Part 1.2 **Road Transport (Driver Licensing) Regulation 2000**

Amendment 1.3 Section 99 (2), note

This is a consequential amendment updating a reference to the General Act definition of *bicycle* because of the amendment in clause 4 of this Bill.

Part 1.3 Road Transport (Vehicle Registration) Regulation 2000

Amendment 1.4 Section 20, note

This is a consequential amendment updating a reference to the General Act definition of *bicycle* because of the amendment in clause 4 of this Bill.