

**2017**

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

**ROAD TRANSPORT LEGISLATION  
AMENDMENT REGULATION 2017 (No 1)**

**SL2017-14**

**EXPLANATORY STATEMENT**

**Presented by  
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Minister for Justice, Consumer Affairs and Road Safety**

## Introduction

This explanatory statement relates to the *Road Transport Legislation Amendment Regulation 2017 (No 1)* (the regulation). It has been prepared in order to assist the reader of the regulation. This explanatory statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

## Outline

This regulation amends the *Road Transport (Offences) Regulation 2005*, *Road Transport (Safety and Traffic Management) Regulation 2000* and the *Road Transport (Vehicle Registration) Regulation 2000*. This regulation is to allow for the use of segways on public land in the ACT.

The word segway originated as a brand name for a personal electronic transportation device. Over time, the word has become common terminology to include all makes and brands of this kind of personal electronic transportation device. A segway is a self balancing, two wheeled vehicle with handlebars. The rider stands on a motor platform between the two side by side wheels and moves forward and backwards by leaning to the front or the back while holding the handlebars that protrude upward from the front of the platform. To steer, the rider must move the handlebar column from side to side or, on earlier versions, rotate a collar on one of the handlebars.

This regulation provides that segway users will, for the most part, be subject to the same road rules as apply to a pedestrian under the road transport legislation, subject to additional safety requirements such as using an approved bicycle helmet.

Prior to this regulation, segway use on roads and road related areas was not permitted in the ACT. This was because segways were treated as motor vehicles that do not comply with the relevant vehicle standards and could not be registered for use on roads or road related areas under the *Road Transport (Vehicle Registration) Act 1999*. A commercial tour operation has been allowed around the central basin area of Lake Burley Griffin since September 2011. This was done under an exemption notice – the most recent of which expires on 30 June 2017. This regulation will replace the exemption supporting the operation of the commercial tour operation.

In December 2016, the Minister for Justice, Consumer Affairs and Road Safety released a report on a public review into the use of segways. The review found that segways do not present a road safety risk greater than other permitted transport modes and should be allowed for use in the ACT, subject to a range of safety requirements such as use of an approved bicycle helmet and use of lights and reflectors when using a segway at night or in hazardous weather conditions causing reduced visibility.

There are no human rights implications associated with this amendment.

There are no climate change implications associated with this regulation.

## Notes on clauses

### Clause 1 Name of regulation

This is a formal provision that sets out the name of the regulation.

### Clause 2 Commencement

This is a formal provision that provides for the commencement of the regulation.

### Clause 3 Legislation amended

This clause lists the legislation to be amended by the regulation. The regulation amends the *Road Transport (Offences) Regulation 2005*, *Road Transport (Safety and Traffic Management) Regulation 2000* and the *Road Transport (Vehicle Registration) Regulation 2000*.

## Part 2 Road Transport (Offences) Regulation 2005

### Clause 4 Schedule 1, part 1.13, new items 10A to 10G

This clause inserts new items 10A to 10G in schedule 1 of the *Road Transport (Offences) Regulation 2005*. These items provide for new offences relating to the use of a segway.

## Part 3 Road Transport (Safety and Traffic Management) Regulation 2000

Clauses 5 to 17 amend the *Road Transport (Safety and Traffic Management) Regulation 2000*.

### Clause 5 Division 2.2.1 heading, note 2

This clause modifies the table under note 2 of division 2.2.1 of the *Road Transport (Safety and Traffic Management) Regulation 2000*. The table sets out provisions of the Australian Road Rules for which provision is made by part 2.2 of the regulation.

### Clause 6 New section 8A

This clause inserts new section 8A (ARR r 18 – who is a pedestrian). This section extends the definition of a pedestrian to include a person in or on a segway. Amending the definition of a pedestrian to incorporate segways is consistent with the approach to regulating the use of motorised wheelchairs, recreational devices and wheeled toys and means that the use of segways will be limited to footpaths and shared paths, with some limited on-road use allowed where there are no footpaths or nature strips.

**Clause 7      Section 22A (2), new definition of *pedestrian***

This clause inserts a new definition of pedestrian to specifically exclude a person in or on a segway, wheeled recreational device or wheeled toy for the purpose of section 22A which allows pedestrians to stand on or move onto a road to hitchhike or undertake road side commerce such as windscreen washing. This amendment recognises that it is not safe or practicable for a pedestrian to undertake these activities while using a segway, wheeled recreational device or wheeled toy.

**Clause 8      New section 22B**

This clause inserts new section 22B which, despite ARR 238 (2) (ab) (pedestrian must face approaching traffic), provides that a segway user that is travelling along a road, must not face oncoming traffic. This is to prevent a situation in which a driver could be startled by a segway travelling towards them – particularly at night where the segway is showing a white light which is attached to the front of the segway or is on the body of the person who is in or on the segway.

**Clause 9      Section 33 (1), new definition of *wheeled recreational device***

This clause inserts a new definition of wheeled recreational device to clarify that a segway is not a wheeled recreational device.

**Clause 10     New division 2.3.1B**

Clause 10 inserts new division 2.3.1B which provides for additional requirements relating to the use of segways on road and road related areas, including use of an approved bicycle helmet, and the use of lights and reflectors at night or in hazardous weather conditions causing reduced visibility. This clause also includes new sections which deal with interactions between a segway user and other pedestrians on paths and the use of crossings and bicycle lanes by a segway user. The requirements covered by this clause are based on existing requirements for bicycle riders and are intended to ensure safety for segway users and support safe interactions between segway users and other pedestrians and bicycle riders on paths.

**Clause 11     Dictionary, note 4**

This clause inserts the word segway into note 4 of the dictionary which is a list of the terms which are defined in the *Road Transport (General) Act 1999* and are relevant to the *Road Transport (Safety and Traffic Management) Regulation 2000*.

This amendment is in preparation for the *Road Transport Reform (Light Rail) Legislation Amendment Act 2017* which will include a definition for segways that will replace the definition provided in this regulation. This section has a delayed commencement so that it aligns with the commencement of that Act.

**Clause 12 Dictionary, new definitions**

This clause inserts the definition of children's crossing, footpath and marked foot crossing.

**Clause 13 Dictionary, definition of *pedestrian***

This clause substitutes the definition of pedestrian in the dictionary to refer to new section 8A rather than the previous definition as provided by ARR 18.

**Clause 14 Dictionary, new definitions**

This clause inserts new definitions for the terms pedestrian crossing and segway.

**Clause 15 Dictionary, definition of segway**

This clause omits the definition of segway on commencement of the *Road Transport Reform (Light Rail) Legislation Amendment Act 2017* which will include a definition of segway to replace the definition provided by this regulation. This section has a delayed commencement so that it aligns with the commencement of that Act.

**Clause 16 Dictionary, new definitions**

This clause inserts the definition for the terms shared path and use – for the purpose of division 2.3.1B.

**Clause 17 Dictionary, definition of *wheeled recreational device***

This clause substitutes the definition of wheeled recreational device in the dictionary to refer to the new definition in section 33 (1).

**Part 4 *Road Transport (Vehicle Registration) Regulation 2000***

Clauses 18 to 19 amend the *Road Transport (Vehicle Registration) Regulation 2000*.

**Clause 18      New section 20A**

This clause inserts new section 20A which clarifies that vehicle registration provisions do not apply to segways.

**Clause 19      Section 20A**

This clause omits new section 20A on commencement of the *Road Transport Reform (Light Rail) Legislation Amendment Act 2017*, section 36. That Act will amend the definition of a motor vehicle to exclude a segway – making section 20A redundant as the vehicle registration provisions apply only to motor vehicles. This section has a delayed commencement so that it aligns with the commencement of that Act.