



# Victoria Government Gazette

No. S 139 Wednesday 21 April 2010  
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## Road Safety Act 1986

### ORDER DECLARING CERTAIN CLASSES OF MOTOR VEHICLES NOT TO BE MOTOR VEHICLES

#### Order in Council

The Governor in Council, under section 3(2)(b) of the **Road Safety Act 1986**, declares that the following motor vehicles are not motor vehicles for the purposes of the **Road Safety Act 1986** –

- (1) a scooter that –
  - (a) can be propelled by an electric motor that has, or more than one electric motors that have in combination, a maximum ungoverned and continuous rated power output of 200 watts or less; and
  - (b) is capable, when ridden by an adult on level ground, of being propelled at a maximum speed that is not more than 10 kilometres per hour;
- (2) a bicycle to which is fitted one auxiliary motor that has, or more than one auxiliary motor that have in combination, a maximum ungoverned and continuous rated power output of 200 watts or less;
- (3) a self-propelled motor vehicle that –
  - (a) is designed to be controlled by a person walking with the vehicle; and
  - (b) has a maximum attainable speed of less than 7 kilometres an hour.

This Order takes effect on the date on which it is published in the Government Gazette and expires on 9 November 2019.

As part of this Order, the following existing Orders are revoked –

- (1) the Order published in Government Gazette No. S 15 on 1 March 1988 that declares that certain classes of motor vehicles are not motor vehicles for the purposes of the **Road Safety Act 1986**; and
- (2) the Order published in Government Gazette No. S 263 on 14 December 2004 declaring that certain types of electric scooters are not motor vehicles for the purposes of the **Road Safety Act 1986**.

In this Order –

- (1) ‘**auxiliary motor**’ means a propulsion motor that provides a subsidiary, supplementary or reserve means of propulsion for the bicycle to which it is fitted;
- (2) ‘**bicycle**’ means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it also has an auxiliary motor), and –
  - (a) includes a pedicab, penny-farthing and tricycle; but
  - (b) does not include a scooter, wheelchair, wheeled recreational device, wheeled toy, or any vehicle with an auxiliary motor capable (or more than one auxiliary motors that, in combination, are capable) of generating a power output over 200 watts (whether or not the motor or motors is or are operating);
- (3) ‘**scooter**’ means a vehicle (with or without a seat) that –
  - (a) has either 2 wheels (one in front of the other) or 3 wheels (one in front and two at the rear); and
  - (b) has a footboard between the front and rear wheels; and
  - (c) is steered by means of a handlebar; and
  - (d) can be propelled by one or both of the following –
    - (i) a person pushing one foot against the ground;
    - (ii) one or more motors;

**SPECIAL**

- (4) any other words and phrases used in this Order that are defined in the **Road Safety Act 1986** or the Road Safety Road Rules 2009, have the same meanings as in that Act or those Rules.

Dated 20 April 2010

Responsible Minister

TIM PALLAS MP

Minister for Roads and Ports

TOBY HALLIGAN  
Clerk of the Executive Council

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Level 2 1 Macarthur Street  
Melbourne 3002  
Victoria Australia

**How To Order****Mail Order****Victoria Government Gazette**

Level 5 460 Bourke Street  
Melbourne 3000  
PO Box 1957 Melbourne 3001  
DX 106 Melbourne

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

**email**

gazette@bluestargroup.com.au

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