



Victoria Government Gazette

No. S 331 Thursday 30 June 2022
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Road Safety Act 1986

ORDER IN COUNCIL DECLARING CERTAIN MOTOR VEHICLES NOT TO BE MOTOR VEHICLES

Order in Council

1. Purpose

The purpose of this Order is to declare that certain motor vehicles are not motor vehicles for the purposes of the **Road Safety Act 1986**.

2. Authorising Provision

This Order is made under section 3(2)(b) of the **Road Safety Act 1986**, which provides that the Governor in Council may by Order published in the Government Gazette declare any motor vehicle or class of motor vehicles not to be a motor vehicle or motor vehicles for the purposes of that Act or a specified provision of that Act, for the whole of the State or a specified part of the State.

Under section 3(2A) of the **Road Safety Act 1986**, an Order published under section 3(2) may differ according to time, place or circumstance.

3. Commencement

This Order comes into operation on 1 July 2022.

4. Interpretation

Words and phrases in this Order have the same meanings as in the **Road Safety Act 1986** and the Road Safety Road Rules 2017 made under that Act.

5. Declaration

The Lieutenant-Governor, as the Governor's deputy, with the advice of the Executive 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 that Act:

- (a) a bicycle, within the meaning of the Road Safety Road Rules 2017, if it is fitted with one or more auxiliary motors that has or have a combined maximum uncontrolled continuous rated power output of 200 watts or less; and
- (b) an electrically power-assisted cycle (EPAC) within the meaning of the Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005 made under section 12 of the **Road Vehicle Standards Act 2018** of the Commonwealth; and
- (c) a scooter, within the meaning of the Road Safety Road Rules 2017, if it:
 - (i) can be propelled by one or more electric motors that has or have a combined maximum uncontrolled continuous rated power output of 200 watts or less; and
 - (ii) has a maximum speed capability of 10 kilometres per hour when ridden by an adult on level ground; and
- (d) a self-propelled motor vehicle that:
 - (i) is designed to be controlled by a person walking with the vehicle; and
 - (ii) has a maximum attainable speed of less than 7 kilometres an hour.

Dated 30 June 2022

Responsible Minister:

HON BEN CARROLL

Minister for Roads and Road Safety

ALEXANDRA DEBELJAKOVIC
Clerk of the Executive Council

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