



# Victoria Government Gazette

No. S 616 Tuesday 9 November 2021  
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## Road Safety Act 1986

### ORDER IN COUNCIL DECLARING CERTAIN MOTOR VEHICLES NOT TO BE MOTOR VEHICLES – ELECTRIC SCOOTER TRIAL

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** in order to facilitate the trial use of these vehicles.

#### 2. Objectives

The objectives of this Order are –

- (a) to prevent the provisions of the **Road Safety Act 1986** and regulations made under that Act relating to registration of a motor vehicle from applying to an electric scooter that is provided under a commercially operated share scheme and ridden on a road or road related area within an electric scooter use area; and
- (b) to prevent the provisions of the **Road Safety Act 1986** and regulations made under that Act relating to the requirement to hold a driver licence or learner permit to drive a motor vehicle from applying to a rider of an electric scooter if the electric scooter is provided under a commercially operated share scheme and ridden on a road or road related area within an electric scooter use area; and
- (c) to provide that the provisions of the **Road Safety Act 1986** and regulations made under that Act relating to drink-driving and drug-driving offences apply to a rider of an electric scooter if the electric scooter is provided under a commercially operated share scheme and ridden on a road or road related area within an electric scooter use area.

#### 3. 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.

#### 4. Commencement

This Order comes into operation on 15 November 2021.

#### 5. Interpretation

In this Order –

*commercially operated share scheme* has the same meaning as in the Road Safety Road Rules 2017;

*electric scooter* has the same meaning as in the Road Safety Road Rules 2017;

*electric scooter use area* means the municipal district under the local government of each of the following Councils –

- (a) Melbourne City Council;
- (b) Ballarat City Council;
- (c) Port Phillip City Council;
- (d) Yarra City Council;

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*municipal district* has the same meaning as in the **Local Government Act 2020**;

*road* has the same meaning as in the **Road Safety Act 1986**;

*road related area* has the same meaning as in the **Road Safety Act 1986**.

**6. Declaration**

- (1) Subject to subclause (2), the Governor in Council, with the advice of the Executive Council under section 3(2)(b) of the **Road Safety Act 1986**, declares that an electric scooter that is provided under a commercially operated share scheme and ridden on a road or road related area within an electric scooter use area is not a motor vehicle for the purposes of the **Road Safety Act 1986**.
- (2) An electric scooter that is provided under a commercially operated share scheme and ridden on a road or road related area within an electric scooter use area is a motor vehicle for the purposes of the following provisions of the **Road Safety Act 1986** and regulations made under that Act –
  - (a) sections 3AA, 3AD, 3AE, 48, 49, 52, 53, 54, 55, 55A, 55B, 55BA, 55D, 55E, 56, 57, 57A, 57B, 58, 59(1)(b) and (5), 62 and 64A of the **Road Safety Act 1986**;
  - (b) regulation 81(1)(a) of the Road Safety (Drivers) Regulations 2019.

Dated 9 November 2021

Responsible Minister:

THE HON. BEN CARROLL MP

Minister for Roads and Road Safety

ALEXANDRA DEBELJAKOVIC  
Clerk of the Executive Council

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