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Please Quote: VRPC002476  
(File No: PC008576)

Mr Michael West  
Coroners Registrar  
Coroners Court of Victoria  
Level 11/222 Exhibition St  
MELBOURNE VIC 3000



Dear Mr West

**RAYMOND IRVING & CHRISTOPHER GABBE**

Thank you for your letter dated 22 October 2010, regarding the Coroners Court of Victoria finding without an inquest including recommendations in relation to the deaths of Raymond Irving and Christopher Gabbe.

The recommendation made from the finding without an inquest was: *the increasing availability and use of electric cycles of the "scooter" type and the lack of other regulations may deceive some users as to the real dangers of riding them on the road. It is recommended that VicRoads and the Department of Transport conduct an analysis of injuries sustained by people using non-registrable electric or pedal assisted electric cycles and scooters in order to establish an evidence based case for reviewing the laws with respect to the licensing and safety requirements associated with their use.*

VicRoads is taking the following action in relation to the recommendation.

A legal power assisted bicycle is defined as a pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 watts. A pedal cycle has two or more wheels and is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor provided the motor's maximum power output does not exceed 200 watts). Many vehicles sold as power assisted bicycles do not meet these requirements and in effect are illegal motorcycles. The Coroner's report stated that advertising of the Ibosa brand (ridden by Mr Irving) suggests it has a maximum speed of 30 kilometres per hour indicating that this bike may not meet the definition of a legal power assisted bicycle.

VicRoads inquiries have revealed that due to the manner in which bike incidents are currently recorded it would be difficult to undertake any productive analysis of injuries at this stage.

Victoria Police records all crashes, including bicycle crashes with other vehicles that are reported to police. The reporting system records electric bicycles as 'bicycles' and does not differentiate between the two. It is therefore difficult to ascertain if the cyclist was riding an electric bicycle or not. There is also a high level of under reporting, particularly of bicycle only crashes (when a cyclist falls off their bicycle but does not collide with another vehicle).

VicRoads will request that a change is made in the Victoria Police Traffic Incidence System (TIS) to include a field for identifying 'power assisted bicycle' in the TIS form. This request will need to be considered by the TIS Data Quality Group. Any changes would be most appropriately timed to occur after the implementation of proposed amendments to Australian Design Rules (ADR) and Australian Road Rules which define a legal power assisted bicycle and are described below. However, this may be brought forward if the timing of ADR amendments indicates a significant delay.

VicRoads requested information from the Victorian Injury Surveillance Unit to identify if power assisted bicycles related injuries are recorded in hospital admissions and emergency department presentations.

VicRoads has been advised that hospital admissions for power assisted bicycle related injury cannot be separated out on the Victorian Admitted Episodes Dataset as the code currently covers all motorised type bicycles including: mopeds, motor scooters, motorcycles and motorised (power assisted) bicycles.

However, data from the Victorian Emergency Minimum Dataset does identify Emergency Department presentations in Victoria due to injuries involving motorised bicycles. It includes search items of the following terms: powered bicycle/bike, motorised bicycle/bike, electric bicycle/bike, and ebike.

The NSW Roads and Traffic Authority (NSW RTA) has concluded a review of the standards for power assisted bicycles to clarify the requirements and characteristics of these vehicles.

The NSW RTA submitted papers in March 2010 to the Commonwealth Department of Infrastructure and Transport (DIT) and the National Transport Commission proposing amendments to the ADRs and Australian Road Rules respectively. The amendments proposed will clarify what defines a legal power assisted bicycle.

Victoria will evaluate the outcome of the DIT review when it is completed, and will participate in the ongoing development of a national approach to standards for power assisted bicycles with the intention of ensuring that legal power assisted bicycles continue to be treated as pedal cycles and the remainder considered illegal.

Should you require further information regarding VicRoads' response to your recommendations, Mr David Shelton, VicRoads' Executive Director - Road Safety and Network Access, Tel: 9854 1863 or email: david.shelton@roads.vic.gov.au, would be pleased to assist.

Yours sincerely



**GARY LIDDLE**  
**CHIEF EXECUTIVE**

6 / 1 / 2011