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OPP--Opposition

LEGISLATIVE ASSEMBLY

Road Transport Amendment (Non-registrable Motor Vehicles) Bill 2026

First print

Proposed amendment

No. 1 **Power-assisted pedal cycles**
Page 7, Schedule 1[6]. Insert after line 29—

Division 4 Sanctions concerning power-assisted pedal cycles

255E Definition

In this division—

power-assisted pedal cycle means the following—

- (a) an electrically power-assisted cycle within the meaning of the *Road Rules 2014*, rule 15–1,
- (b) a power-assisted pedal cycle referred to in the *Road Rules 2014*, rule 15–1(2).

255F Power to seize power-assisted pedal cycles

- (1) A police officer may seize a vehicle if the officer has a reasonable suspicion that—
 - (a) the vehicle is a power-assisted pedal cycle, and
 - (b) a person used the pedal cycle on a road or public place within the last 28 days, and
 - (c) the pedal cycle was used in a way that constitutes one or more grounds for seizure prescribed by the regulations.
- (2) When a vehicle is seized under subsection (1), a person may request that the police officer return to the person items in or on the pedal cycle that are not part of the pedal cycle's design or construction.
Examples— panniers and baskets on pedal cycles and GPS devices that are easily detachable from vehicles
- (3) The police officer must use the officer's best endeavours to return the items to the items' owner.
- (4) A vehicle seized under subsection (1) may, subject to the statutory rules, be impounded and moved to a place determined by the Commissioner of Police.
- (5) The police officer must ensure that, as soon as practicable after a vehicle is impounded under subsection (4), notice of the impounding is given to—

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- (a) the person whose suspected use of the pedal cycle led to the pedal cycle's seizure, and
 - (b) if the person is less than 16 years of age and a parent or guardian of the person can reasonably be located—a parent or guardian of the person.
 - (6) To avoid doubt, a vehicle may be impounded under subsection (4) even if a parent or guardian of a person who is less than 16 years of age cannot reasonably be located.
 - (7) The notice must be in an approved form and specify the following—
 - (a) that, because of the suspected use of the pedal cycle, the pedal cycle is impounded,
 - (b) the time when the pedal cycle was impounded,
 - (c) the address of the place where the pedal cycle is stored,
 - (d) details about the pedal cycle to enable the pedal cycle to be identified,
 - (e) the time and place of the suspected use of the pedal cycle,
 - (f) other details about the suspected use to identify the grounds for the pedal cycle's seizure,
 - (g) if known to the police officer—the name of the person whose suspected use of the pedal cycle led to the pedal cycle's seizure,
 - (h) information about how a person may apply for the return of a seized vehicle, and the forfeiture and disposal of vehicles, under section 255H.
 - (8) The Minister must only recommend the making of a regulation under subsection (1)(c) with the concurrence of the Commissioner of Police.

255G Surrender notices

- (1) A police officer may, by written notice (a **surrender notice**), direct a person to surrender a vehicle if the officer has a reasonable suspicion that—
 - (a) the vehicle is a power-assisted pedal cycle, and
 - (b) a person used the pedal cycle on a road or public place within the last 28 days.
- (2) A surrender notice must be given to—
 - (a) the person who is suspected of using the pedal cycle, and
 - (b) if the person is less than 16 years of age and a parent or guardian of the person can reasonably be located—a parent or guardian of the person.
- (3) To avoid doubt, a surrender notice may be given under this section even if a parent or guardian of a person who is less than 16 years of age cannot reasonably be located.
- (4) The surrender notice must include the following information—
 - (a) the date and place at which the pedal cycle must be surrendered, being a date not less than 48 hours after the notice is given to the person,
 - (b) the date and place of the suspected use of the pedal cycle,
 - (c) if known to the police officer—the name and address of the person suspected of having used the pedal cycle,
 - (d) information about how a person may apply for the return of a surrendered pedal cycle, and the forfeiture and disposal of pedal cycles, under section 255H,
 - (e) other information required by the statutory rules.
- (5) A person must comply with a surrender notice.
Maximum penalty—30 penalty units.

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- (6) A motor vehicle surrendered under this section at a place may, subject to the statutory rules, be impounded and moved to a place determined by the Commissioner of Police.

255H Application for return of seized or surrendered power-assisted pedal cycles

- (1) A person (the *applicant*) may, within 48 hours after a power-assisted pedal cycle is seized under section 255F or surrendered under section 255G, apply to the impounding authority for the return of the pedal cycle.
- (2) The application must be made in a form approved by the Commissioner of Police and include evidence that the applicant is the owner of the pedal cycle.
- (3) The impounding authority may grant the application if satisfied of the matters set out in the application.
- (4) The impounding authority—
- (a) may request that the applicant give further information to support the application, and
 - (b) is not required to determine the application until the further information is given.
- (5) If the impounding authority grants the application, the impounding authority must, after the payment of any fees payable under section 255J, ensure the pedal cycle is returned—
- (a) if the impounding authority is satisfied that the person whose suspected use of the pedal cycle led to the seizure or surrender was at least 18 years of age at that time—to the applicant not earlier than 2 weeks after the pedal cycle was seized or surrendered, or
 - (b) if the impounding authority is satisfied that the person whose suspected use of the pedal cycle led to the seizure or surrender was less than 18 years of age at that time—to a member of the immediate family of the applicant who is at least 18 years of age as soon as is reasonably practicable after the grant of the application.
- (6) If the impounding authority rejects the application, the impounding authority must, as soon as practicable, give the applicant written notice of the rejection.
- (7) A pedal cycle is forfeited to the Crown—
- (a) if an application is made under this section and the application is rejected—on the later of the following—
 - (i) the day on which the application is rejected,
 - (ii) if the impounding authority has requested that the applicant give further information under subsection (4)—48 hours after the request, or
 - (b) if an application is made under this section, the application is granted and the applicant does not collect the pedal cycle—3 months after the day on which the application is granted, or
 - (c) if an application is not made under this section—3 months after the pedal cycle is seized under section 255F or surrendered under section 255G.
- (8) The impounding authority may, in accordance with the regulations, arrange for a forfeited pedal cycle to be disposed of, including by sale, whether through a public auction, public tender or otherwise.
- (9) In this section—
- immediate family*, of a person, means the following—
- (a) the person's spouse or de facto partner,
 - (b) the person's parent, step-parent or guardian,

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- (c) the person's grandparent or step-grandparent,
 - (d) the person's child or step-child or another child for whom the person is the guardian,
 - (e) the person's grandchild or step-grandchild,
 - (f) the person's sibling, half-sibling or step-sibling.

impounding authority means the Commissioner of Police.

255I Protection from liability in relation to impounded power-assisted pedal cycles

No action lies against the Crown, the Minister, the Commissioner of Police or a police officer for damage to, or the theft of, a power-assisted pedal cycle caused by, or arising from, the seizure, surrender, storage or impounding under this division.

255J Fees

- (1) The statutory rules may prescribe the fees, if any, payable in relation to the movement, towage, storage and disposal of vehicles seized, impounded or surrendered under this division and the persons responsible for the payment of the fees.
- (2) A certificate given by a police officer about the fact and cost of a movement, towage, storage or disposal is evidence of the matters in the certificate.