

## From the editor

As this ends the term of OzHPV positions for 2004 along with the management positions I am offering up the job of HUFF to anyone who would like to take up the role. I do enjoy the work and will continue if there isn't anyone keen on the job but as I have often said, I don't want to be seen as taking over HUFF not leaving others input if they want it. I wasn't enjoying the Web site editing though and so Andrew Stewart has kindly taken over this job.  
[andrew.stewart@ieee.org](mailto:andrew.stewart@ieee.org)

Timothy Smith - [tas@ozhvp.org.au](mailto:tas@ozhvp.org.au)

## Status report on distribution of Human Power CDs

It seems to be a good time to summarize the status of the project to distribute the archival CDs of the technical journal of the IHVPA, Human-Power. Many people have been confused by occasional emails and published comments from one side or the other. I have to give a one-sided view here because we have not been able to get responses from most of those involved in the HPVA board.

However, last week the HPVA lawyer Adam Englund sent a letter to the lawyer who is advising me/us, Jill Shedd, who wrote "I do not like the tone of his e-mail at all". This was partly because of its rudeness, and partly because of the implied threat to sue me if I did not obey his command to cease involvement in publication of the contents of Human Power. We decided nevertheless to resume the distribution of the archival CDs to any HPV groups in the world who want them. (We had stopped distribution for over 90 days following the HPVA's sudden demand that

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## Powering HPVs – Getting up the nose of the man

In the last HUFF Timothy Smith wrote an excellent article on power assistance for HPVs. Unfortunately, he was not very clear on what is, or is not, legal. This is not his fault, as it can be difficult to get accurate information on the situation. They are two reasons for this:

\* One is that the people selling power assistance equipment and power assisted bicycles often tell lies (or have taken care not to find out what the legal situation really is);

\* The other is that many of the people who might be expected to give disinterested advice (i.e. public servants) are not well-informed. That happens because the people in the motor registration branches and who work in call centres simply don't have the training to answer these sorts of questions. There are people in the road traffic authorities who do know this stuff, but it can be very difficult for ordinary members of the public to find the right people to ask.

I have a professional interest in the design standards and legal requirements for road vehicles, and an amateur interest in HPVs (I am a member of OzHPV). I can therefore answer some of the questions about the legal ins and outs of power assistance and HPVs. Because of my professional position I prefer to remain anonymous, but the editor can vouch that I am in a position to know what I am writing about.

## The Australian Constitution

What, you are all asking, has the Constitution got to do with HPVs? Not a lot, directly. But the way power is divided up between the Commonwealth Government on the one hand and the States and Territories on the other is one of the keys to the situation.

In order to clearly define the respective limits of Commonwealth and State power over road vehicles, the Commonwealth *Motor Vehicle Standards Act* (MVSA) was passed in 1989. This act:

OzHPV Challenge at Broadford



- \* Gives the Commonwealth power over all road vehicles until they are first registered and used in transport; and
- \* Gives the Commonwealth transport minister the power to set standards for vehicles covered by the Commonwealth act.

The vehicle standards set by the Commonwealth minister are the ADRs, or Australian Design Rules (in full – the *Australian Design Rules for Motor Vehicles and Trailers*). The ADRs are equivalent to regulations under the MVSA; that is, they have the force of law. Once a vehicle has been registered, as noted above, the MVSA no longer applies. This does not mean that the ADRs no longer apply. Uniform legislation in all States and Territories require that, where a vehicle was covered by an ADR when new, it must continue to comply with that ADR.

## ADR Vehicle Categories

Not all ADRs apply to all vehicles. Motorcycles are not required to have seatbelts and, while buses must have emergency exits, cars do not. Whether an ADR, or part of an ADR, applies to any given vehicle depends on what ADR category that vehicle belongs to. The two-wheeled and three-wheeled vehicle categories are:

AA	—	Pedal Cycle
AB	—	Power-Assisted Pedal Cycle
LA	—	Moped - 2 Wheels
LB	—	Moped - 3 wheels
LC	—	Motor Cycle
LD	—	Motor Cycle and Side-Car
LE	—	Motor Tricycle

A different suite of ADRs applies to vehicles in each category *except* AA and AB. In other words—the ADRs do not apply to pedal cycles or power assisted pedal cycles (PAPCs). That is, there are no design and construction standards applicable to ordinary bicycles or power assisted HPVs under Commonwealth law—or, except with very minor exceptions, State law.

This is not to say that you should rush out and build yourself a power assisted HPV without regard to sensible standards of construction, just that the law does not apply any particular standards to such vehicles.

## So what is a power assisted pedal cycle?

The ADR definition, in full, is “a pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 Watts.” Since a pedal cycle is one which is “designed to be propelled through a mechanism solely by human power”, we can discern that a power assisted HPV is a vehicle with:

- \* Two, three or four wheels (the definitions of pedal cycle & PAPC do not mention the number of wheels\*);
- \* Some form of mechanism (usually pedals or a hand crank and chain) to transmit power from the rider to the drive wheel or wheels; and
- \* A small auxiliary motor.

By “not exceeding 200 Watts” we mean the maximum or peak power of the motor measured at the output shaft (crankshaft). The road transport authorities will accept the rating given by the original *engine* manufacturer or a test certificate from a suitable test facility. In either case this rating must be without any kind of artificial power restriction (such as a throttle stop). (The reason, of course, is that it is too easy to remove the restrictor and leave the motor at full power—which usually turns out to be considerably more than 200 Watts.)

## What motors are legal?

This is usually the next question. Unfortunately, there is no easy answer. I agree with Tim that there do not seem to be any internal combustion motors suitable for this kind of application available in Australia (or anywhere else for that matter). The smallest motor I can find is the Honda GX22 (22.3 cc), which is rated at 740 W or 1 hp (ps)—see <http://www.hondapowerequipment.com.au>.

There may be some whipper snipper motors (the Hondas are all 810 W or higher), and possibly model aircraft engines, that give about 200 W. These sort of engines, being designed to run at full throttle, are not particularly suitable for road vehicles, as well as being unpleasantly noisy in that sort of application.

Electric motors seem to be a better bet for legality, as well as being quieter and cleaner. I am no electrical engineer, but there do seem to be a variety of motors available at, or only just above, the 200 W limit. (I am fairly certain that the authorities would be far less worried by a HPV with a quiet 280 W electric motor, than a 1500 W noisy two-stroke one.)

A thing to note with electric motors is that there is a direct trade-off between range (distance travelled per battery charge) and power, so that there is a fair incentive to keep the output down. This is why the authorities seem to have more confidence in the ratings given out by people selling electric power assisted pedal cycles.

## Why the confusion over the 200w limit?

The confusion has arisen because all relevant State and Territory regulations exclude *anything* with no more than 200 W output from the definition of a motor vehicle, whether or not it has pedals.

This means that a powered skateboard (for instance) is an illegal road vehicle under Commonwealth law, but it can be legally used under State law (if it has 200 W output or less) because it is not legally a vehicle; except that, strictly speaking, it can't be sold for use on roads until it has achieved Commonwealth approval.

The upshot is that there are a whole lot of claims and counter claims by people selling small scooters, powered skateboards and similar “wheeled toys” on the one hand and the authorities on the other. The facts about power assisted pedal vehicles have become obscured by all these other arguments.

That's the short version. The full story about wheeled toys is *very* confusing.

The best thing, as far as we HPVer's are concerned, is to ignore the whole thing. Since our machines have mechanisms for propulsion by human power, the situation should really be quite clear:

- \* If your vehicle has pedals, and
- \* A motor with a output that is really no more than 200 W,
- \* Then it is a genuine power assisted pedal cycle; and
- \* It is legal in all States and Territories.

## What are the legal requirements for power assisted pedal cycles?

We have established that PAPCs are not motor vehicles and are not required to meet motor vehicle standards—what are the legal requirements?

They are the same as for ordinary pushbikes, that is:

- \* Effective brakes;
- \* A bell, or other audible warning device;
- \* A red reflector at the rear;
- \* A white light to the front and a red light to the rear at night (both may flash); and
- \* The rider, or riders, to wear a helmet.

Some States or Territories may have special provisions, but these are not particularly onerous. For instance, in South Australia PAPCs are required to have two mirrors, and in some States or Territories they may not have access to all bikeways or shared paths. Check with your local road traffic authority or government bicycling promotion body—they have should this sort of information or be able to find it out.

## If it's not a power assisted pedal cycle, what is it?

It is most likely a moped (ADR category LA). The ADR definition is "a 2-wheeled motor vehicle, not being a power-assisted pedal cycle, with an engine cylinder capacity not exceeding 50 ml and a maximum ... speed not exceeding 50 km/h; or a 2-wheeled motor vehicle with a power source other than a piston engine and a maximum ... speed not exceeding 50 km/h." There is a similar definition for three wheeled mopeds (LB category). A moped these days does not have to have pedals, although there is no reason why it should not. If it is not a moped, then it is a motorcycle (LC). Again, a motorcycle can have pedals, although modern motorcycles do not (back before WWI they all had pedals).

So, if you have installed a 740W Honda GX22 on your HPV, it is a moped, unless it can go faster than 50 km/h, when it becomes a motorcycle.

In practical terms, the main legal difference between a moped

and a motorcycle is that, while both require a licence to ride, you can ride a moped with only a car driver's licence, whereas you have to have a motorcycle licence to ride a motorcycle. (You will need a motorcycle approved helmet instead of an ordinary pushbike helmet for both types.)

## What are the legal requirements for a motorcycle or moped?

They must be registered and have third party insurance. Before this can happen the moped or motorcycle must be shown to complying with all the appropriate ADRs. The mainstream manufacturers, Honda, Kawasaki or whoever, fit a compliance plate under an arrangement with the Commonwealth government. The compliance plate is, in effect, a certificate from the manufacturer that a vehicle meets the requirements of all the applicable ADRs. A one-off builder has to get an approval through the local State or Territory road traffic authority. To get either the compliance plate or the approval the vehicle must have:

- \* A seat;
- \* An ADR complying speedometer;
- \* An ADR complying muffler;
- \* ADR complying brakes on both front and back wheels;
- \* A full lighting set, all ADR complying, including headlight (high and low beam), indicators, brake light, taillight, numberplate light and reflectors;
- \* An audible warning device (horn);
- \* ADR complying tyres;
- \* Mudguards; and
- \* Controls laid out according to ADR requirements.

If I seem to be harping on ADR compliance, that is because it is important. Once you start building a motor vehicle instead of a PAPC you must use motor vehicle type components, or at least components that can be shown to meet motor vehicle standards. Showing this is also a major stumbling block, not so much technically—motorcycles are simple compared with cars and complying components are easy to purchase—but because of the cost. This is because it is necessary to employ a suitably qualified engineer to certify that the vehicle complies.

The laws of supply and demand apply, so the cost of this certification is likely to vary, depending on, among other things, the State you live in. As an example, in August 2004 an engineer in South Australia charged \$2000 to certify a home-made moped. This is probably pretty close to top whack, but I would be surprised if anyone can get it done for less than half.

Once you have the certification you can get final approval from the State authority (the vehicle will probably have to be inspected) and then you can register the machine and arrange third party insurance.

## What are the risks involved?

That is, what risks do you run by installing that 740W GX22 on your HPV and just riding it?

They are the risks you would expect when riding an unregistered and uninsured motor vehicle. Of course, you have to be caught first, and that depends on how wide awake the local police are. Personally, I prefer to stick to building human powered vehicles.

You must also keep in mind what might happen if it all goes horribly wrong and you are involved in a crash. If you injure someone else and they have a smart lawyer, you could find yourself personally liable for considerable damages. I suspect that it need not matter that you did not cause the crash, the fact that you were on an unregistered and uninsured home made motorcycle could leave you very exposed.

My advice is; don't bother. The hassles and risks of riding an illegal vehicle outweigh the joys of power assistance. If your must have power assistance, do it legally. Read up on electricity and build a 200 W electric HPV.

Besides that—once the output is substantially above 200 W the vehicle stops being a power assisted pedal cycle and becomes a pedal assisted motorcycle (or moped). But that is the subject of another article.

### (Footnotes)

\* With apologies to the Sandman.

\* This article will not discuss powered unicycles. That way madness lies!

**Author** - someone with a professional interest in the legal requirements for road vehicles, who chooses to remain anonymous for ethical reasons.

## Fairings

The Adelaide Pedal Prix Web site <http://www.pedalprix.com.au/> has some pretty cheap and light fairings that are described as - vacuum formed PETG (coke bottle material with similar properties to polycarbonate) in a glider canopy mould. Moulded section is approximately 2 metres long and can be between 500 - 750mm at its widest point. Available in 0.75mm \$150 + GST 1.0mm \$175 + GST 1.5mm \$200 + GST This is an unbelievably good price as glider canopies normally go for around \$2000 - \$3000 each Contact Ian Linke at Aircraft Acrylic Mouldings on [aamouldings@senet.com.au](mailto:aamouldings@senet.com.au) or phone 8251 3780

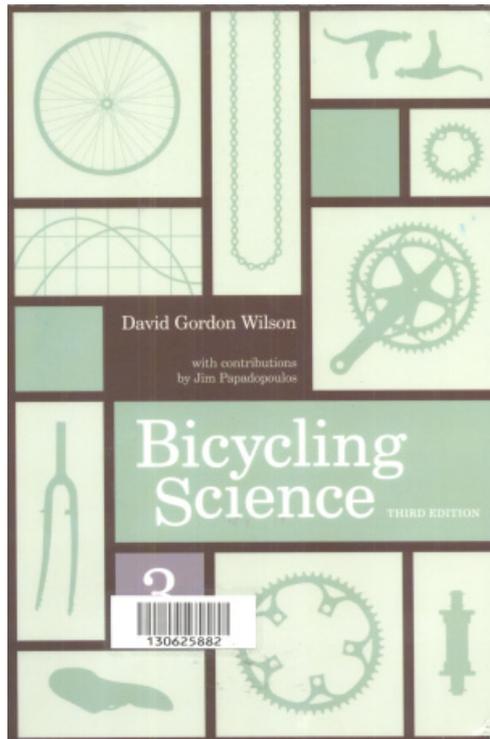
Ian Humphries also said : I have some photos of these as fitted to a trike :- ) You need a few (cut up to fit together) to make a complete fairing.

Timothy Smith - [tas@ozhpv.org.au](mailto:tas@ozhpv.org.au)

## Bicycling Science

Imagine there is no such things as any bicycle. Someone comes to you and says "I've got a brilliant idea, imagine a 2 wheeled machine you sit on, hold onto a tube that turns the front wheel side to side and you pedal along with your legs. As you go to fall over you steer towards the fall keeping yourself balanced as you ride" Now I reckon I would say this would be almost impossible to achieve for any length of time but this is exactly what we all use today.

Bicycling Science is a 500 page book that gets down to the nitty gritty of exactly how a bicycle works. The Author, David Gordon Wilson is well know in the HPV field possibly through the avatar recumbent bike or Human Power magazine and is professor of Engineering at MIT.



This book is full of technical information, formulas, photo's, graphs and drawings and does not fail to interest almost any reader wanting to know more about the design of a bicycle. Human Physiology and power is discussed along with the natural forces that come into play riding a cycle. EG aerodynamics, friction etc. As you would expect many chapters are devoted to bicycle design with chapters including braking, transmission, bearings, balance etc. Unusual Human power machines EG mower, HPA etc also rate a chapter along with a chapter on the future of HPV's.

Although not a new book (first published in 1974) this heavily revised 3<sup>rd</sup> edition is a very interesting read for anyone wanting to delve into how a bike actually works. It tries to debunk misconceptions and clearly explains optimal design characteristics.

As in a lot of HPV thinking, there are few assumptions as to what is 'supposed' to be a bike, this most cherished by many of us.

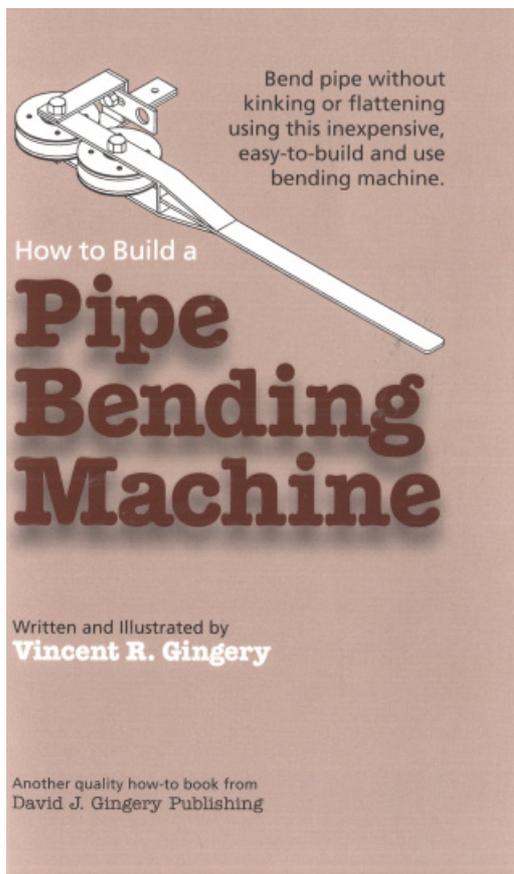
Bicycling Science is the Bible for bicycles and human powered vehicle development. It provides everything you want to know about the history of bikes, how human being propel them, what makes them go faster and what stops them from going even faster.

For those in Tasmania it is in borrowable in the State Library system but you could purchase the book at Astam Books <http://www.astambooks.com.au/cgi-bin/astambooks.storefront> for \$39.95

Timothy Smith - [tas@ozhpv.org.au](mailto:tas@ozhpv.org.au)

## How to build a pipe bending machine

For those who give it a go at building their own cycle one of the biggest difficulties is how to bend the metal tubes most often used. Some have successfully used plumber pipe benders EG Peter Heal (but I could imagine this is for only small dia tubing) and some just design their machines with either straight tubing or choose tubing that is already bent. Exhaust shops also bend tubing quite cheaply but they all too often produce a unsightly dent on the bend. I have even heard of successful bends by filling the tube beforehand with sand or low melting point metal but have had no success with either.



Here is a way to bend a pipe without kinking or flattening using an inexpensive, easy to build bending machine. Bending a pipe is easy enough but the real challenge is to a nice even radius without flattening or kinking at the bend. The frame of the machine is built entirely from 1/4" x 2" HRS flat bar. You will need a few common hand tools like a drill press and welder along with several nuts and bolts. The bending dies are made of hardwood able to bend tubes up to 1" dia.

Although only 49 pages, this booklet is a comprehensive manual with almost every page containing diagrams and pictures with all the measurements and descriptions on how to put together the unit.

You may like to try it one day. Cost approx. \$20

<http://www.lindsaybks.com/dgjp/djgbk/pipe/index.html>

### Australian resellers.

<http://www.ploughbooksales.com.au/008539.htm>

[http://www.pitstop.net.au/pitstop/page/technical\\_workshop\\_technique/9511.html](http://www.pitstop.net.au/pitstop/page/technical_workshop_technique/9511.html)

Timothy Smith - [tas@ozhvp.org.au](mailto:tas@ozhvp.org.au)

## VicHPV - the Victorian Branch of OzHPV

Now that summer is almost upon us here in the State of Victoria (the centre of recumbent building) we welcome all interstate visitors. Before coming to Victoria visit our website <http://home.vicnet.net.au/~vichpv/> for regular and popular 'Be Spontaneous' weekly rides on numerous and very picturesque bike trails around Melbourne. Also there is a wealth of information about rides, events, news, members etc. Contact Robert [robvx1100@hotmail.com](mailto:robvx1100@hotmail.com) dates of your arrival. We are looking forward to welcome you in Melbourne.

Robert.Waryszak [Robert.Waryszak@vu.edu.au](mailto:Robert.Waryszak@vu.edu.au)

## Ride for the Planet

(Sunday 22<sup>nd</sup> August 2004)

As part of the Science Festival, Canberra Skeptics Inc. organised a Environment Forum Dinner and Debate on Saturday the 21<sup>st</sup> of August at the C. S. I. R. O. Discovery Centre Acton ACT. The Canberra Skeptics Ride for the Planet supported by Pedal Power ACT offered a novel way to appreciate the limits of the Earth's atmosphere on Sunday morning. The ride started at Hall Village Reserve, Victoria St. and finished at Parliament House (17 km).

Each Kilometre of the ride represented one kilometre of the Earth's atmosphere above sea level. Which were indicated with signposts which also told you the percentage of oxygen at that height. This showed how rapidly it diminished with height.

At the end of the ride, which was easier than it looked, on the lawns outside the new parliament house, invited speakers discussed environmental concerns. Some answers to questions posed in the publicity for the event, such as 'How many of the tonnes of carbon dioxide are produced a) each day b) each year by the human population in this planet c) by you in (i) a year (ii) your lifetime?'

It was a very informative and enjoyable weekend. It was a chance to catch up with friends who joined us for the forum and the ride. We now know where Hall is! A similar type of ride may be held next year.

Jeannie and Steven Davidson - [jdavo21@hotmail.com](mailto:jdavo21@hotmail.com)

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## New Recumbent Dealer

It's interesting to hear Canberra now has yet another recumbent dealer - see <http://www.fuse-recumbents.com.au/>

## Laid back magazine & HPV history

It would be good to gather lots of information about HPV's in Oz, some of the history of bikes here and people's stories about their HPV's. There are a couple of Australian references in the Human Power Archive for example, one about a meeting sponsored by the Victorian Gas & Fuel in the 80's, and one about Francois Faure visiting Australia just before the outbreak of world war two. OzHPV has the "files" section of the yahoogroups website and I feel this would be a good storage place for anyone who can write more about this sort of material until we get organized & publish a whole CD or book full of it. As an example I have a German book with a history of the German HPV movement published when the HPV society there was 10 years old, but the history it relates goes back a lot further.

Steve Nurse - [cesnur@austarmetro.com.au](mailto:cesnur@austarmetro.com.au)

**Qn.** I'm interested in "Laid back magazine". Was this an early Australian HPV mag?

**Ans.** Yep, The Australian Human Power Association had a short but happy life around 1994 or 1995.

Lots of people "joined" the association (which really wasn't an association with a committee etc) and were disappointed when they only got two or three magazines and then nothing.

The organiser Murray ....? had found other things to do and moved to Europe I think. I'll try and scan the two issues I have and get them put on the OzHPV website at some stage.

Peter Heal - [heal@cyberone.com.au](mailto:heal@cyberone.com.au)

## Pedalwiki - New IHPVA Board web site

The IHPVA Board has a new web site: Pedalwiki. It is located at [http://www.ihpva.org/wiki/index.php/Main\\_Page](http://www.ihpva.org/wiki/index.php/Main_Page)

Pedalwiki is an interactive site. Visitors may join discussions, make comments, and initiate suggestions. The purpose of Pedalwiki is to make the work of the IHPVA Board accessible and transparent, and to give everyone a chance to participate in IHPVA business.

We do not have stunning pictures (yet) or ice-cream treats, but we do have some lively and interesting issues under consideration and discussion. Give us a visit!

Richard Ballantine Chair IHPVA - [richard@ballantine.unet.com](mailto:richard@ballantine.unet.com)

## Canberra HPV Rally

12,13 & 14 November 2004

Hello OzHPV Folks - Just an update about the Canberra Rally planned for the weekend of Friday 12th November to Sunday 14th November. Lots of opportunity for riding, socialising and showing off your recumbents.

The OzHPV Annual General Meeting will be held on the Saturday evening 13th November.

Earlier on the Saturday we will have several hours use of the "BundaDrome" (Narrabundah Velodrome) for some fun racing events if you choose to participate.

The current program is now available from the OzHPV Canberra Mob Yahoo Groups "Files Page" or it can be emailed to you if you wish.

See you all.

Peter Heal - [heal@cyberone.com.au](mailto:heal@cyberone.com.au)

## Novel front derailleur position

Was out riding yesterday with a group of other hpv riders (this was a weekly gathering where 8 or 9 people turned up) when I spotted a derailleur setup I'd never seen before.

This is a front derailleur located between the chainring and the rear derailleur, ie on the lower part of the chain. I asked Ludo (who made it) how it works and his answer was simple: you have to pedal backwards to change gears with this derailleur. This actually makes sense as it allows you to change gears when stopped at traffic lights. I tried the stone-age equivalent (changing gears by manually moving the chain, my bike currently has no front derailleur) of this today, moving the chain below the chainring while pedalling backwards to change ratios. And it works.

Steve Nurse - [cesnur@austarmetro.com.au](mailto:cesnur@austarmetro.com.au)

## Notice of AGM for 2004

All positions will be declared vacant at the meeting. Nominations can be forwarded to the OzHPV Inc. Secretary either via email: [jdavo21@hotmail.com](mailto:jdavo21@hotmail.com) or in writing to PO Box 3, Berowra Waters NSW 2082 ( to arrive no later than 7 days before the meeting) or prior to the voting at the meeting.

Jeannie Davidson - [jdavo21@hotmail.com](mailto:jdavo21@hotmail.com)

# A Compact Tourer

This touring vehicle was homebuilt using an Arc welder, 4" angle grinder 12V cordless drill and a few small hand tools.

It is equipped with, 8" RST disk brakes, fully lockable 2 door boot & separate battery compartment, pannier rack, 4 water bottle carriers, permanently mounted toolkit including 2 spare tyres and tools needed for all maintenance and/or roadside repair, a 6V electrical system comprising; 4.5W solar panel & battery charger, stop/tail lights, electric turn indicators, 15 watt headlights, 6V 7.5amp/hr battery.



Boot : Water, tools ,spares etc all mounted inside weatherproof boot with sufficient room to accommodate all camping equipment except tent for two people + xtras.

21 speed gears

ChainwheelsL: 23t-34t-44t

Rear gears: 7 shimano cassette mega-range gears 11t-34t 24" 36 spoke (exage hub) drive wheel giving a gear ratio from 16G" to 96 G".

Front wheels: Velocity triple walled 32 Spoke 20"

Tyres: Front, Tioga comp pool ,Rear, Standard road

Wheelbase: 110cm X 80 cm

Built from 30mm X 1.6 mm square mild steel using cro-moly BMX forks with aluminium bodywork and the rear end of a 24" mountain bike. King pins are made from the steerer tubes that were originally part of donor BMX forks with oversize Head Stem cups & bearings from the same source fitted into resized exhaust tubing. Wish bones are from 30mm X1.6mm plate. Tie rod ends



are 8mm tube with nut welded on to form female fitting with tie rod male of 8mm threaded rod.

Note: Vehicle originally had a 3X2 s h i m a n o

intermediate drive unit fitted giving a gear range from 12G' to 145G", this unit is to be replaced with a 3 speed Sachs hub (the Shimano one could not handle the torque) fitted to the rear wheel that accommodates the current 7 speed shimano cassette.



The vehicle is capable of carrying a 65kilo load + rider through the steepest terrain at speeds from 4klm p/hr up to 65klm p/hr.

Total vehicle weight including tools & 2 spare tyres with tubes: 25kg.

Ron bottrell - [bottrell2001@msn.com](mailto:bottrell2001@msn.com)

## Bereavement

The recumbent community has lost its most ardent supporter. After a long, long, battle with mantle cell lymphoma Gardner Martin (ED of Easy Racers fame) has left us. He was hospitalized for the last few days and suffered very little pain. We miss him sorely. If you want to send e-mail condolences, please send [condolences@easyracers.com](mailto:condolences@easyracers.com) as I would rather not stumble across them as I attend to the business e-mail. In a couple of months, probably around mid-January, we will have a Memorial here at the factory to celebrate Gardner's life and work.

As to Easy Racers, we will continue, just as always, just as he would expect. Mac, his brother; Gabe, his 1st Lieutenant; Manual, our Production Foreman; Robin, our Office Manager; the rest of the crew, and I are all here and all committed to continue with Gardner-level quality in our bikes and our customer service. We are also committed to continuing innovation and evolution through research, testing and racing, just as he was. Easy Racers was Gardner's life and we intend to keep it strong and growing. But, please forgive us if our responses are a little slow for the next few days. His final words were "Grow recumbent—faster." Gabe is setting up a Memorial page for those who would like to share their memories of Gardner Be good to each other,

Sandra Martin

## Membership Renewal

You should find enclosed a membership renewal notice along with this HUFF. If not please contact us as this is a reminder that all membership dues will need to be paid before the end of the year covering 2005. If we do not receive your renewal you may not be sent the Jan-Feb edition of HUFF so we ask you to renew as soon as possible for ease of administration.

*Continued from page 1 - Status report on distribution of Human Power CDs*

we cease.) The HPVA still refuses to accept the 300 CDs that we want to send it at no cost. "We" are mainly the IHPVA under the leadership of Richard Ballantine, IHPVA president (also chair of the British HP Club), and the others who have worked for years on the production of the CD: Elrey, Theodor Schmidt, John Snyder, Brian Wilson and I, Dave Wilson.

Those of you familiar with the background to this extraordinary but petty dispute now have all the news that's fit to print. For those who would like to know more about the background, go to [http://www.ihpva.org/wiki/index.php?title=Human\\_Power\\_Archive\\_Status\\_Report](http://www.ihpva.org/wiki/index.php?title=Human_Power_Archive_Status_Report)

In it I show in particular that the claim by some members of the HPVA board that we (in what has become known as "Dave's Band") have made a sneak attack on HPVA's property, and that they were never informed of our intentions, is absolute nonsense. In the background piece I am mostly just quoting my communications to the HPVA, the president and the board. The other members of the Band have also written to and spoken with the president and board members in the past, with no response in almost all cases.

David Gordon Wilson - [dgwilson@MIT.EDU](mailto:dgwilson@MIT.EDU)

### **Regarding the HPVA side:**

The HPVA \*retained\* Adam Englund, an HPVA member and HPV enthusiast himself, so presumably he won't be asking normal lawyers' rates. He has done little which is evident so far except write a few emails asking everybody to stop distributing the archive "or else". What he has done behind the scenes is of course unknown. He has asked the HPVA board to stop all discussion so that he can sort matters out with the other attorney. The HPVA has about \$45'000 funds according to HPVNews, so this will buy a lot of legal action initially, but is insufficient to stand through a real legal battle. Companies and associations who specialise in this sort of thing, e.g. SCO or the RIAA, have hundreds of millions at their disposal and do not hesitate to use it.

The HPVA position on the archive is that they own the copyright and do not regard the archive as free information. They have not budged from this position and so far refused to discuss possible compromises, some which are too late now, e.g. leaving away the newest issue from the archive. They do agree that the archive is in principle a good thing, but are upset by the concept of free information and feel injured in their pride by the actions of those creating and distributing the archive, e.g. other IHPVA members. I can go into much more detail about all this if the situation escalates, but of course it is not really interesting to most people. Also, discussion has started again on a mailing list called detente, so there is still some hope that the legal attack can be forestalled. You can of course as an HPVA member, communicate to Paul (president or secretary) \*politely\* what you think of the notion of going to court.

### **Regarding the IHPVA side:**

I think this information is publicly available in the archives. The IHPVA funds are about \$5500, so if the IHPVA board decides to spend this on legal defense, it may just stave off an initial attack, but not much more. So far the IHPVA has spent nothing in legal fees. Dave Wilson initially privately \*consulted\* an attorney specialising in copyright not for defense but for advice concerning the copyright situation. Therefore no IHPVA member funds have yet been used. If the situation escalates anything can happen in a lose-lose situation.

Whatever happens, there is no rationality in it. It is all about emotions and perceptions of philosophy and legal matters, fascinating to discuss for some people and utterly boring to most. I myself have profited enormously by following this by learning a lot about copyright, freedom of information, and the cultural war in cyberspace between the rights industry and information society - of which the HP archive is only a very small part. I have of course also had to spend a good deal of time which might have been better spent going out riding.

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