

# AUSTRALIAN CAPITAL TERRITORY

## MOTOR TRAFFIC ACT 1936

### DETERMINATION No. 274 OF 1997

#### CLASS B CLASSES OF MOTOR VEHICLES

#### EXPLANATORY STATEMENT

The *Motor Traffic Act 1936* governs the use of motor vehicles and regulates traffic in the ACT. In particular, Part X of the Act deals with rules relating to parking and section 149 deals with the interpretation of terms used in that Part.

A "Class B class of motor vehicles" is defined in section 149 as meaning 'a class of motor vehicles determined in writing by the Minister (by reference, either generally or in particular, to their description, the purpose for which they are used or the person by whom they are used to be a class of motor vehicles for the purposes of this definition'.

This determination revokes the previous determination of Class B motor vehicles made on 7 November 1996. That determination was not a disallowable instrument as it predated the commencement of section 4 of the *Motor Traffic (Amendment) Act (No 4) 1997* (the Amendment Act). The interpretation provisions of the Amendment Act provide that a determination of Class B classes of motor vehicles is now a disallowable instrument.

The previous determination of Class B motor vehicles, a copy of which is attached, covered motor vehicles used by

- disabled persons
- medical practitioners
- community nurses
- the Australian Red Cross
- Members of the ACT Legislative Assembly and other persons authorised by the Speaker of the Assembly
- Federal Members of Parliament
- residents of areas zoned for residents-only parking
- holders of ACTION 'park and ride' bus passes

The new determination abolishes the former Class B class of motor vehicles covering motor vehicles used by members and employees of the Australian Red Cross, ACT Division.

Public parking was previously reserved for Red Cross use outside its former headquarters in Hobart Place, Canberra City, and access to these spaces was controlled using Class B parking labels. These arrangements are no longer required by the Red Cross as its new headquarters at The Canberra Hospital has undercover parking.

The determination establishes the following new Class B classes of motor vehicles

- A motor vehicle used by a volunteer authorised by a community organisation, while in use for the purposes of the community organisation,
- A motor vehicles used by the Commonwealth or a Commonwealth authority, while in use for the purposes of the Commonwealth or that Commonwealth authority, and
- Motor vehicles used by the Australian Capital Territory (ACT) or an ACT authority, while in use for the purposes of the ACT or that ACT authority

The first of these new classes gives effect to the new arrangements for parking by community organisation volunteers provided for in the *Motor Traffic (Amendment) Act (No 4) 1997*

Vehicles used by the Commonwealth (and Commonwealth authorities) and ACT (and ACT authorities) have been included as classes of Class B vehicles because the sale of these vehicle fleets under leaseback arrangements means that they are no longer entitled to park in Commonwealth vehicle spaces. This is because the definition of “Class A class of motor vehicles” in section 149 of the Act refers specifically to vehicles owned by the Territory or Commonwealth

The Schedule to the *Commonwealth Vehicles (Registration and Exemption from Taxation Regulations) (Cth)* excludes the following from the definition of “Commonwealth authority” for the purposes of the *Commonwealth Vehicles (Registration and Exemption from Taxation) Act 1997 (Cth)*

- Australian Industries Development Corporation
- Australian National Railways Commission
- Australian Postal Corporation
- Defence Housing Authority
- Export Finance and Insurance Corporation
- Housing Loans Insurance Corporation
- Snowy Mountains Hydro-Electric Authority

Schedule 1 to the *Territory Owned Corporations Act 1990* lists the following as Territory owned corporations

- ACTEW Corporation Limited
- ACTTAB Limited
- CanDeliver Limited
- Totalcare Industries Limited

Access to Commonwealth vehicle parking by vehicles used by Government business enterprises is inconsistent with the competitive neutrality principles to which the ACT is committed as a signatory to the National Competition Agreement since it would provide an unfair advantage over private sector competitors

The effect of the definitions of “Commonwealth authority” and “ACT Authority” in the determination is that vehicles used by the Commonwealth and ACT Government business enterprises listed above are not Class B classes of vehicles and cannot park in Commonwealth vehicle parking spaces



## AUSTRALIAN CAPITAL TERRITORY

### MOTOR TRAFFIC ACT 1936

#### DETERMINATION OF CLASS B CLASSES OF MOTOR VEHICLES

Under subsection 149(1) of the *Motor Traffic Act 1936*, I revoke previous determinations dated 2 July 1982, 22 December 1988 and 25 March 1994 relating to class B classes of motor vehicles and I determine the following classes of motor vehicles to be Class B classes of motor vehicles:

1. Motor vehicles used for the conveyance of disabled persons;
2. Motor vehicles used by medical practitioners, while in use by those medical practitioners for the purposes of rendering medical attention;
3. Motor vehicles used by community nurses, while in use by those community nurses for the purpose of rendering medical attention;
4. Motor vehicles used by members and employees of the Australian Red Cross, ACT Division, while in use for the purposes of the Society;
5. Motor vehicles used by sitting members of the Australian Capital Territory Legislative Assembly, while in use for the purpose of that Member fulfilling his or her duties as a Member of the Legislative Assembly;
6. Motor vehicles used by persons authorised by the Speaker of the Australian Capital Territory Legislative Assembly;
7. Motor vehicles used by sitting Senators or Members of the House of Representatives, while in use for the purpose of that Senator or Member of the House of Representatives fulfilling his or her duties as a Member of Parliament;
8. Motor vehicles used by residents of areas zoned for residents-only parking; and
9. Motor vehicles used by holders of current ACTION "park and ride" bus passes or tickets.

For the purposes of this determination -

"community nurses" means community nurses employed under the Health Services Act 1990;

"disabled persons" means

- (a) persons having an impaired ability to walk due to a physical disability; or
- (b) persons who are legally blind;

"medical practitioners" means medical practitioners registered under the Medical Practitioners Registration Act 1930.

Dated the 17<sup>th</sup> day of November 1996

ANTHONY JOSEPH DE DOMENICO  
Minister for Urban Services