

1997

**LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL
TERRITORY**

MOTOR TRAFFIC (AMENDMENT) BILL (NO 4) 1997

EXPLANATORY MEMORANDUM

Circulated by the authority of the Minister for Urban Services

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Motor Traffic (Amendment) Bill (No 4) 1997

Part X of the *Motor Traffic Act 1936* [the Act] regulates the parking of motor vehicles in the ACT.

The *Motor Traffic (Amendment) Bill (No 4) 1997* (the Bill) amends the Part in relation to parking in loading zones and parking arrangements for the disabled and volunteers.

Loading zones

At present to be able to park lawfully in a loading zone a vehicle must be a "goods vehicle", that is, a vehicle constructed primarily for the carriage of goods and used for that purpose in the course of business, or, a certified vehicle.

The Bill amends this arrangement by providing that to be a "goods vehicle" a vehicle must be constructed primarily for the carriage of goods and be registered as a business vehicle, or, be a certified vehicle. The amendment is part of a new arrangement regarding the registration fee that is payable for vehicles constructed primarily for the carriage of goods. Previously all vehicles that were so constructed paid a registration fee that included a component that reflected the possibility the vehicle might be parked in a loading zone. With effect from 1 January 1997 the vehicle owner has had to decide whether to register the vehicle as a business vehicle, in which case a higher fee is payable.

Parking for the disabled and for volunteers

Part X also provides for the Minister to determine that a class of motor vehicles is a Class B class of motor vehicles [section 149(1)]. If the Minister has determined that a class of motor vehicles is a Class B class of motor vehicles the Registrar is authorised to approve a label in relation to the class and to issue a label, for affixing to the vehicle, to the owner of a vehicle that is within that class [section 150A]. Sections 150B - 150E provide for applications for labels, cancellation of labels, replacement of labels and offences relating to labels.

A vehicle that bears a label issued under section 150A may be parked in a space that is reserved for vehicles of the appropriate class [sections 152(5) and 155(5)].

One of the Class B classes of motor vehicle is vehicles that are used for the conveyance of disabled persons. For this purpose a disabled person is a person who has an impaired ability to walk. The arrangements in relation to this class have been reviewed and the following changes are proposed:

the range of disabilities that will entitle a person to receive a label is to be expanded to include persons who are blind. This is to be

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achieved by an amendment to the Minister's determination made under section 149.

labels are to be issued to a disabled person for affixing to any vehicle that is being used to transport the person. That is, it will not be necessary for the label to be issued for affixing to a particular vehicle. A disabled person will be entitled to only one label.

- parking rules relating to the time for which a vehicle may be parked and rules relating to voucher parking and meter parking will be relaxed in relation to a vehicle to which is attached a disability label
 - if the time limit is 30 minutes or less the vehicle may be parked for free for 2 hours
 - if the time limit is more than 30 minutes the vehicle may be parked for free indefinitely

[Note: some parking spaces that are reserved for the disabled are subject to time limits. These time limits will still apply]

It is also proposed that a new class of Class B vehicles will be created. This will be achieved by an amendment to the Minister's determination under section 149. This class will be vehicles that are used by, or on behalf of, community organisations. The organisations will be listed in the determination. The legislation will not limit the number of labels that may be issued to an organisation. Labels will be issued to an organisation for affixing to vehicles that are being used by the organisation or on its behalf. The following arrangements will apply to vehicles that bear such a label:

- if parking spaces are specifically designated as being for the use of the organisation then only vehicles that bear the appropriate label may be parked in those spaces.
- the vehicles may also be parked for free for up to 2 hours in voucher and meter parking areas. That is, if there is a limit of 30 minutes in a meter parking area the vehicle may be parked for free for 30 minutes.

Some community organisations will be issued with labels that specify a particular area. Within that area vehicles that bear the labels may be parked for free indefinitely.

Community organisations that provide transport for the disabled will also be issued with disability labels. The rules, outlined above in relation to the disabled, will apply to vehicles that bear such a label.

Financial implications

The amendment to the definition of "goods vehicle" has no financial implications. Owners of vehicles are already paying registration fees based on the new arrangements.

The changes relating to disability labels and parking for volunteers will result in some reduction in parking revenues. This is difficult to quantify, but is not expected to be significant.

Details of the Bill are as follows.

Clauses 1, 2 and 3 provide for citation and commencement. Delayed commencement is provided for so that necessary administrative matters may be attended to.

Clause 4 amends section 149 to insert definitions of "community organisation", "disability label" and "disabled person". The definition of "goods vehicle" is amended so that to be a goods vehicle a vehicle must be constructed primarily for the carriage of goods and be registered as a business vehicle, or, be a certified vehicle.

The section is also amended so that a determination by the Minister of a Class B class of motor vehicles will be a disallowable instrument [see new subsection (1A)].

Provision is included so that labels issued to the disabled and community organisations will be appropriately displayed within or on a motor vehicle [see new subsection 6B].

Clause 5 amends section 150A so that labels may be issued to the disabled and community organisations for displaying in vehicles. At present the section provides for to be issued for affixing to a particular vehicle. The section is also amended so that a label issued to a community organisation may include details of a part of a public street or public place.

Clause 6 amends section 150B which provides for applications for labels. The amendments in subclauses (a), (b) (c) and (d) are consequential on the proposed arrangement that labels will be issued to a disabled person or a community organisation for displaying in a vehicle rather than for affixing to a particular vehicle.

Subclause (e) is consequential on the proposal that disability labels and labels for community organisations will be issued for periods specified in new subsection (9).

Subclause (f) will insert new subsections (9), (10), (11) and (12). These will result in labels for the disabled and community organisations being issued for a period of 3 years unless the Registrar considers the disability is not

permanent. If a disability is not considered permanent a label is to be issued for a period of 3, 6, 9 or 12 months depending on the Registrar's assessment of the nature and duration of the disability.

In all other cases labels are to be issued for a period of 12 months which is the same period as currently applies.

A disabled person is to be entitled to one label and a community organisation may receive more than one label.

Clause 7 amends section 150C which provides for the cancellation of labels. The amendment will allow the Registrar to cancel a label if satisfied that a person was not entitled to the label when it was issued or would no longer be entitled to be issued with a label.

The section is also amended as a consequence of labels for the disabled and community organisations being issued with labels for displaying in rather than affixing to vehicles.

Clause 8 amends section 150E which provides offences in relation to the abuse of labels. A new offence of displaying a label that has been cancelled is included.

Clause 9 amends section 152 and **clause 10** amends section 155. The sections provide for parking in public streets and public places respectively. The amendments that are made to section 152 are to the same effect as those made to section 155.

Subclause (a) will insert new subsections (3AA), (3AB), (3AC) and (3AD) in section 152. These subsections correspond to new subsections (3A), (3B), (3C) and (3D) in section 155.

New subsection (3AA) [(3A)] will allow a vehicle bearing a disability label to be parked for 2 hours in a space that would otherwise have a time limit of 30 minutes or less.

New subsection (3AB) [(3B)] will preserve the operation of parking signs that place limits on the length of time a person may park in a space that is reserved for disabled persons.

New subsection (3AC) [(3C)] will allow a vehicle bearing a disability label to be parked for an unlimited time in a space that would otherwise have a time limit of more than 30 minutes.

New subsection (3AD) [(3D)] will allow a vehicle bearing a label issued to a community organisation which specifies a location to be parked indefinitely at that location.

Subclauses (b), (c) and (d) are consequential on the disabled and community organisations being issued with labels for displaying in rather than affixing to vehicles. The amendments are also directed to prevent abuse of labels. For example, a disability label may be displayed only when a vehicle is driven by a disabled person or the vehicle is parked for the purpose of setting down or picking up a disabled person.

Clause 11 amends section 157 as a consequence of the new definition of "goods vehicle".

Clause 12 amends section 163E and **clause 13** amends section 163F. The sections provide for voucher and meter parking respectively. The amendments that are made to section 163E are to the same effect as those made to section 163F.

Section 163E is amended by inserting a new subsections (8) and (9) [subsections (4) and (5) in section 163F].

New subsection (8) [(4)] will result in:

- (a) a vehicle bearing a disability label being able to be parked for free for 2 hours if parking is otherwise for 30 minutes or less;
- (b) a vehicle bearing a disability label being able to be parked for free indefinitely if parking is otherwise for more than 30 minutes;
- (c) a vehicle bearing a label issued to a community organisation being able to be parked for free for up to 2 hours. That is if parking is otherwise for 2 hours or less the vehicle may be parked for free for that period and if parking is otherwise for more than 2 hours the vehicle may be parked for free for 2 hours.

New subsection (9) will allow a vehicle bearing a label issued to a community organisation which specifies a location to be parked for free indefinitely at that location.

Clause 14 amends Schedule 7. Schedule 7 sets out decisions that may be the subject of an appeal to the Administrative Appeals Tribunal. The amendments are consequential.