

Australian Capital Territory

# Road Transport (General) Application of Road Transport Legislation Declaration 2017 (No 3)

Disallowable instrument DI2017–29

made under the

**Road Transport (General) Act 1999, section 12 (Power to include or exclude area in road transport legislation)**

## EXPLANATORY STATEMENT

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### Background

Section 12(1)(b) of the *Road Transport (General) Act 1999* (the Act) empowers the Minister to declare that a provision of the road transport legislation does not apply to a road or road related area. Section 12(3) of the Act makes such a declaration a disallowable instrument.

Section 6 of the Act provides that road transport legislation includes the *Road Transport (Safety and Traffic Management) Act 1999*. Section 104 of the *Legislation Act 2001* states that a reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation. Section 6 of the *Road Transport (Safety and Traffic Management) Regulation 2000* incorporates the Australian Road Rules (ARR) and these therefore form part of the road transport legislation.

This declaration is made to support operational arrangements for the You are Here event at Haig Park in April 2017. The effect of the declaration is to facilitate the festival by allowing for the temporary erection of food and beverage stalls and amenities in the car parking area. A number of provisions of the road transport legislation are disapplied to support the arrangements for this event. These are:

1. *Road Transport (Safety and Traffic Management) Regulation 2000* Division 2.3.6 (Ticket parking) other than sections 53 (Misuse of parking ticket machines) and 54 (Interfering with parking ticket machines etc); and
2. *Australian Road Rules* rule 207 (Parking where fees are payable); and
3. *Australian Road Rules* rule 211 (Park in parking bays).

Australian Road Rules is defined in section 3 of the instrument.

A regulatory impact statement is not required as this instrument does not impose appreciable costs on the community or a part of the community (see s 34(1) *Legislation Act 2001*). Further, the temporary suspension of parking rules to support a cultural event in Braddon does not operate to the disadvantage of anyone by adversely affecting their rights or imposing liabilities on the person (see s 36(1) *Legislation Act*).

## **Outline of provisions**

### **Section 1 – Name of instrument**

This section names the instrument.

### **Section 2 – Commencement**

This section states that the instrument commences on the day after it is notified.

### **Section 3 – Declaration**

This section declares that provisions of the road transport legislation do not apply for the period set out in schedule 4, within the area identified in the schedule. This has the effect of disapplying all parking rules that apply to this area, to support the logistical arrangements for the event.

The road transport legislation provisions that are disappplied are:

1. *Road Transport (Safety and Traffic Management) Regulation 2000* Division 2.3.6 (Ticket parking) other than sections 53 (Misuse of parking ticket machines) and 54 (Interfering with parking ticket machines etc); and
2. *Australian Road Rules* rule 207 (Parking where fees are payable); and
3. *Australian Road Rules* rule 211 (Park in parking bays).

### **Section 4 – Period of effect of declaration**

This section provides that the declaration has effect for the period of time between 10:00pm, 6 April 2017 to 11:00am, 8 April 2017.

### **Section 5 – Expiry**

This section provides that the instrument expires on 10 April 2017.