

**2000**

**THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (GENERAL) ACT 1999**

**DECLARATION THAT CERTAIN PROVISIONS OF THE ROAD  
TRANSPORT LEGISLATION DO NOT APPLY TO TRAFFIC  
MARSHALS**

**INSTRUMENT NO. 371 OF 2000**

**EXPLANATORY STATEMENT**

Circulated by authority of

Brendan Smyth MLA  
Minister for Urban Services

# AUSTRALIAN CAPITAL TERRITORY

## INSTRUMENT NO. 371 OF 2000

### EXPLANATORY STATEMENT

Australian Road Rule (ARR) 304 allows police officers or persons authorised for that road rule (traffic marshals) to direct traffic.

Persons appointed as traffic marshals direct traffic using STOP/GO signs at roadworks, and at sporting and other events involving road closures or interruptions to traffic. It is not practical for this function to be exercised exclusively by the police for reasons of cost and the competing demands on police resources.

Sections 19 to 21 of the *Road Transport (General) Act 1999* (the Act) specify requirements for the authorisation of authorised persons based on those for the appointment of public servants. These requirements are intended for authorised persons with enforcement powers (eg parking inspectors) but are unnecessarily complex for traffic marshals. Traffic marshals are often volunteers and may only be appointed for a one-off event. Unlike police officers and parking inspectors, they are not authorised to issue infringement notices.

Prior to the introduction of the Road Transport Legislation on 1 March 2000, traffic marshals were appointed under section 28 of the *Traffic Act 1937*. The only prerequisite which a traffic marshal had to meet under the former legislation was to supply his or her name and address.

This instrument establishes a simplified authorisation process for traffic marshals. It exempts them from the authorisation requirements under section 19 of the Act (except for training) and from having to carry an identity card issued by the Road Transport Authority.

The declaration has effect until it is revoked. It is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

For this declaration, the following definitions apply:

**specified designated activity** means a competitive vehicle sport activity or an activity that involves roadworks or a temporary road closure, as nominated in the authorisation of the traffic marshal.

**competitive vehicle sport activity** means an activity to which section 5A of the *Road Transport (Safety and Traffic Management) Act 1999* applies, involving:

- a) a race between vehicles;
- b) an attempt to break a vehicle speed record;
- c) a trial of the maximum speed or acceleration of a vehicle; or

- d) a competitive trial designed to test the skill of a driver, or the reliability or mechanical condition of a vehicle.

**roadworks** means road construction or maintenance, and includes ancillary activities such as traffic light or streetlight installation and maintenance.

**temporary road closure** means the temporary closure of a road under section 4 of the *Roads and Public Places Act 1937*.

**traffic marshal** means a person who is an authorised person for rule 304 of the Australian Road Rules.

**vehicle** has the meaning defined in the *Road Transport (Safety and Traffic Management) Act 1999*.