

Road Transport (General) Application of Road Transport Legislation Declaration 2017 (No 10)

Disallowable instrument DI2017–296

made under the

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

EXPLANATORY STATEMENT

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 and therefore these rules are part of the road transport legislation.

The purpose of this disallowable instrument is to suspend specific parking rules in specified areas to support the New Year's Eve in the City 2017 event. The areas identified in the schedule to the instrument are to be used for a range of purposes, including stall locations, stages, emergency services compounds, cold food storage, and waste disposal as part of the event. The areas outlined in the schedule are to have parking rules disappplied for the specified times to support the logistical arrangements for the event.

Outline of Provisions

Section 1 - Name of instrument

This section names the instrument.

Section 2 – Commencement

This section states when the instrument commences.

Section 3 – Declaration

This section declares that various provisions of the road transport legislation relating to paid parking do not apply to the locations and times set out in the schedule. The schedule contains a list of areas and times where the listed rules are disapplied and provides a map for information.

Section 4 – Expiry

This section provides that the declaration expires at 2:00am on 1 January 2018.

Regulatory Impact Statement (RIS):

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 this event 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*).