

Australian Capital Territory

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 5)

Disallowable instrument DI2018–73

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 a law includes a reference to the statutory instruments made or in force under the law. The *Road Transport (Road Rules) Regulation 2017* is made under the *Road Transport (Safety and Traffic Management) Act 1999* and therefore forms part of the road transport legislation.

This declaration is made to support parking arrangements for major sporting events at Manuka Oval in 2018. The effect of the declaration is to allow motorists attending major sporting events at Manuka Oval on the date specified in section 4 of the instrument to park in non-pay time limited parking spaces near Manuka Oval for a longer period of time than that specified on the relevant parking sign. The key term ***time limited permissive parking signs*** is defined in section 3 of the instrument by reference to section 204 of the *Road Transport (Road Rules) Regulation 2017*.

Updates to the instrument

This instrument has been updated to reflect the commencement of the *Road Transport (Road Rules) Regulation 2017*. The *Road Transport (Road Rules) Regulation 2017* consolidates the Australian Road Rules and ACT specific road rules from the *Road Transport (Safety and Traffic Management) Regulation 2000*. The current instrument does not make any substantive changes to the previous instrument, the *Road Transport (General) Application of Road Transport Legislation Declaration 2017 (No 9)* (DI2017-270). The current instrument merely updates legislative references that

were previously in the Australian Road Rules or *Road Transport (Safety and Traffic Management) Regulation 2000* and are now found in the *Road Transport (Road Rules) Regulation 2017*.

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 disapplication of s 185 from the drivers of certain government and diplomatic vehicles 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 2001*).

Human Rights

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted

Outline of provisions

Clause 1 names the instrument the *Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 5)*.

Clause 2 states that the instrument commences on 30 April 2018. This coincides with the commencement of the new *Road Transport (Road Rules) Regulation 2017*.

Clause 3 declares that section 205 (Parking for longer than indicated) of the *Road Transport (Road Rules) Regulation 2017* does not apply to a road or road related area where time limited permissive parking signs apply, within the area identified in the schedule.

Clause 4 provides that the declaration has effect on 11 August 2018 from 11:00am until 11:59pm.

Clause 5 provides that *Road Transport (General) Application of Road Transport Legislation Declaration 2017 (No 9) (DI2017-270)* is revoked.

Clause 6 provides that the declaration expires on 12 August 2018.