

Road Transport (General) Application of Road Transport Legislation - Securing Coles Refrigerated Delivery Vehicles Declaration 2018

Disallowable instrument DI2018–79

made under the

Road Transport (General) Act 1999, section 13 (Power to exclude vehicles, persons or animals from road transport legislation)

EXPLANATORY STATEMENT

Subsection 13 (1) of the *Road Transport (General) Act 1999* allows for the Minister to declare that a provision or provisions of the road transport legislation does not apply to a vehicle, person or animal. Subsection 13 (3) of the Act makes such a declaration a disallowable instrument.

The *Road Transport (Road Rules) Regulation 2017* (the Road Rule Regulation) commences on 30 April 2018. The Road Rule Regulation consolidates the Australian Road Rules (ARRs) and ACT specific road rules from the *Road Transport (Safety and Traffic Management) Regulation 2000* into one regulation.

On commencement of the Road Rules Regulation, existing instruments that do not continue through application of the transitional provisions, will cease to apply. The *Road Transport (General) (Securing Coles Refrigerated Delivery Vehicles) Declaration 2018 (No 1)* (the declaration) replaces Disallowable Instrument 2015-280, which is revoked by the declaration. The declaration references relevant provisions of the new Road Rules Regulation instead of those in the ARR. The new instrument has the same effect as the revoked instrument. The name of the instrument has been brought into line with current drafting practice. No other change has been made to the application of this declaration.

Subsections 213 (3) and (4) of the Road Rules Regulation require a motor vehicle to be made secure by switching off the engine and removing the ignition key. The declaration continues the disapplication of these requirements for drivers of Coles Supermarkets Australia Pty Ltd (Coles) refrigerated delivery vehicles. The declaration applies to employees and subcontractors of Coles while driving a refrigerated delivery vehicle that is owned and operated by Coles and delivering groceries. This allows drivers to secure the vehicle through a system known as the “secure idle system” so that the vehicle can continue to operate with the key in the ignition and engine running to enable the refrigeration unit to remain on.

There are no human rights or climate change implications from this instrument.