

Australian Capital Territory

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 10)

Disallowable instrument DI2018–281

made under the

Road Transport (General) Act 1999, s 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 33 of the *Road Transport (Safety and Traffic Management) Act 1999* incorporates the *Road Transport (Road Rules) Regulation 2017*, which forms part of the road transport legislation.

The purpose of this disallowable instrument is to disapply parking rules in specified areas to support South Fest 2018. The effect of the declaration is for ACT Government parking areas to be used for the event for a range of purposes.

Outline of provisions

Clause 1 names the instrument the *Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 10)*.

Clause 2 states that the instrument commences on the day after its notification day.

Clause 3 sets out the declaration that disapplies a number of sections of the *Road Transport (Road Rules) Regulation 2017* as well as a number of *Australian Road Rules*. The areas in which parking rules are disapplied are identified in the schedules.

Clause 4 provides that the declaration has effect for defined periods that relate to the areas in the corresponding schedules.

For the areas identified in schedule 1, the declaration has effect during the period commencing at 6:00am on Friday, 23 November 2018 and ending at 11:59pm on Sunday, 25 November 2018.

For the areas identified in schedule 2, the declaration has effect during the period commencing at 6:00am on Saturday, 24 November 2018 and ending at 11:59pm on Saturday, 24 November 2018.

Clause 5 provides that the declaration expires on 26 November 2018.

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 section 34 (1), *Legislation Act 2001*). Further, the temporary suspension of parking rules to support community events such as South Fest 2018 does not operate to the disadvantage of anyone by adversely affecting their rights or imposing liabilities on the person (see section 36 (1), *Legislation Act*).