

Road Transport (General) Exclusion of Road Transport Legislation (Light Rail) Declaration 2018 (No 1)

Disallowable instrument DI2018-303

made under the

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

EXPLANATORY STATEMENT

Overview

Section 13 (1) of the *Road Transport (General) Act 1999* allows the Minister to declare that the road transport legislation, or a provision of the road transport legislation, does not apply to a vehicle, person or animal in a place or circumstance stated in the declaration. Under subsection 13 (3) of the *Road Transport (General) Act 1999*, a declaration under section 13 (1) is a disallowable instrument.

This instrument declares that vehicles undertaking rail maintenance activities are exempt from certain offences in the *Road Transport (Road Rules) Regulation 2017*.

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*). Exempting designated vehicles on a tramway or tram lane from the application of offence provisions 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 2001*).

Clause notes

Clauses 1 and 2 are formal provisions that deal with the name and commencement of the instrument.

Clause 3 declares that sections 155, 155A and 187 (3) of the *Road Transport (Road Rules) Regulation 2017* will not apply to a driver of a designated vehicle on a tramway or tram lane where the designated vehicle is on the tramway or tram lane for a specified purpose. A specified purpose is limited to a rail maintenance activity, for example, rail sweeping activities, track repairs.

Section 155 of the *Road Transport (Road Rules) Regulation 2017* provides that a driver (except the driver of a tram, tram recovery vehicle or public bus) must not drive in a tram lane, unless the driver is permitted to drive in the tram lane.

Section 155A of the *Road Transport (Road Rules) Regulation 2017* provides that a driver (except the driver of a tram, tram recovery vehicle or public bus) must not drive in a tram lane, unless the driver is permitted to drive in the tram lane.

Section 187 (3) of the *Road Transport (Road Rules) Regulation 2017* provides that a driver (except the driver of a tram, tram recovery vehicle or a public bus) must not stop in a tram land, a tramway or on tram tracks.

Clause 4 sets out the definitions used in the instrument.

Human rights implications

There are no human rights implications arising from this instrument.

Climate change implications

There are no climate change implications arising from this instrument.