

Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 1)

Disallowable instrument DI2020–19

made under the

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

EXPLANATORY STATEMENT

This explanatory statement relates to the *Road Transport (General) Application of Road Transport Legislation Declaration 2020 (No 1)* (the instrument) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the instrument and to help inform debate on it. It does not form part of the instrument and has not been endorsed by the Assembly.

The statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

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 suspend specific parking rules in specified areas to support the National Multicultural Festival event. The areas identified in the schedules to the instrument are to be used for the emergency services control centre, staff parking, waste compounds and pedestrian areas.

Local traffic arrangements, including road closures, will be managed through a Temporary Traffic Management Plan as approved by Transport Canberra and City Services.

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) of the *Legislation Act 2001*). Further, the temporary suspension of parking rules to support events such as the National Multicultural Festival do not disadvantage anyone by adversely affecting their rights or imposing liabilities on the person (see section 36 (1) of the *Legislation Act 2001*).

The Scrutiny of Bills Committee's terms of reference requires consideration of human rights, 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 2020 (No 1)*.

Clause 2 provides that the instrument commences on 20 February 2020.

Clause 3 declares the sections of the *Road Transport (Road Rules) Regulation 2017* that do not apply to the areas identified in the schedules to the instrument.

Clause 4 specifies the time periods when clause 3 has effect.

Clause 5 provides that the instrument expires on 25 February 2020.