

Australian Capital Territory

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 18)

Disallowable instrument DI2020-74

made under the

Road Transport (Safety and Traffic Management) Regulation 2017, s 33 (Parking Authorities)

EXPLANATORY STATEMENT

Section 33(2) of the *Road Transport (Safety and Traffic Management) Regulation 2017* (the regulation) permits the road transport authority to declare a person or to be a parking authority, which may establish and operate a ticket parking scheme for any length of road or area under its control in accordance with the *Road Transport (Safety and Traffic Management) Guidelines 2020*. Section 33(3) of the regulation provides that such a declaration is a disallowable instrument. Because of this instrument the ticket parking scheme run the by the declared person can be enforced under road transport legislation.

Megaside Pty Ltd is already a parking authority. The declaration needs to be updated to continue to have effect due to changes to legislation. Megaside Pty Ltd was declared by the road transport authority to be a parking authority for the area of Block 11 Section 44 in the division of Belconnen in *Road Transport (Safety and Traffic Management) Parking Authority Declaration 2017 (No 1)* (DI2017-30). DI2017-30 was made under the *Road Transport (Safety and Traffic Management) Regulations 2000*, which were repealed by the *Road Transport (Safety and Traffic Management) Regulation 2017*.

Part 10 of the *Road Transport (Safety and Traffic Management) Regulation 2017* provides transitional effect for parking authority declarations made under the *Road Transport (Safety and Traffic Management) Regulations 2000*, including DI2017-30. Part 10 expires on 30 April 2020. Therefore, the declaration must be remade under the current section of the *Road Transport (Safety and Traffic Management) Regulation 2017*; section 33(2). This instrument effects that declaration by the road transport authority of Megaside Pty Ltd as a parking authority for the identified area.

Declaring a person to be a parking authority does not impose appreciable costs on the community or part of the community. While the operation of a ticket parking schemes can involve fixing fees for parking vehicles in an area, this is a fee being charged by a private operator as part of a commercial arrangement. The declaration itself does not impose any costs; it simply enables the enforcement of a scheme as per the provisions of the *Road Transport (Safety and Traffic Management) Regulation 2017*.

No rights contained in the *Human Rights Act 2004* are impacted by this instrument.