

Australian Capital Territory

Road Transport (General) Application of Road Transport Legislation (COVID-19 Parking Arrangements) Declaration 2021 (No 1)

Disallowable instrument DI2021-223

made under the

Road Transport (General) Act 1999, section 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.

On 30 January 2020, the Director-General of the World Health Organisation (WHO) declared the outbreak of COVID-19 a Public Health Emergency of International Concern. On 11 March 2020, the Director-General of the WHO declared COVID-19 a global pandemic. The WHO requested that every country urgently take necessary measures to ready emergency response systems.

On 16 March 2020, the Minister for Health declared a public health emergency under section 119 of the Public Health Act 1997 (the Public Health Act) due to the public health risk to the ACT community posed by COVID-19. The emergency declaration has since been extended a number of times.

At 5pm on 12 August 2021, the ACT went into lockdown restrictions to contain the spread of COVID 19 and reduce its risk to the health of Canberrans. The restrictions require all Canberrans to stay home and leave only for essential reasons. The lockdown restrictions are in place until midnight Friday 17 September 2021.

The ACT Government has initiated a temporary pause on paid parking in ACT Government owned car parks for the duration of the lockdown and has paused the need for a commuter parking permit to use park and ride facilities. Safety related matters and time limits on parking spaces will continue to be enforced.

This declaration provides that certain parts of the *Road Transport (Road Rules) Regulation 2017* applying to specified parking areas and the *Road Transport (General) (Pay Parking Area Fees) Determination 2021 (No 1)* (DI2021-109) do not apply for the duration of the lockdown.

RETROSPECTIVITY

The instrument will apply retrospectively and remain in effect until midnight on Friday 17 September 2021.

The retrospective application is non-prejudicial and is necessary to support the temporary pause on paid parking in ACT Government owned car parks and the pause on the need for a commuter parking permit to use park and ride areas.

HUMAN RIGHTS IMPLICATIONS

The instrument does not engage any human rights set out in the *Human Rights Act 2004*.

CLIMATE CHANGE IMPLICATIONS

There are no climate change implications associated with this instrument.

CLAUSE NOTES

Clause 1 Name of instrument

This clause specifies the name of the instrument. This clause provides that the instrument may be cited as the *Road Transport (General) Application of Road Transport Legislation (COVID-19 Parking Arrangements) Declaration 2021 (No 1)*.

Clause 2 Commencement

This clause provides that the instrument is taken to have commenced at 5pm on Thursday, 12 August 2021.

The retrospective application is non-prejudicial and is necessary to support the temporary pause on paid parking in ACT Government owned car parks and the pause on the need for a commuter parking permit to use park and ride areas.

Clause 3 Declaration

This clause declares the *Road Transport (General) (Pay Parking Area Fees) Determination 2021 (No 1)* (DI2021-109) and sections of the *Road Transport (Road Rules) Regulation 2017* applying to a ticket parking area, RTA multi-stay ticket parking area and commuter parking permit zones do not apply for the duration of the period set out in Clause 4.

The definitions of a ticket parking area, RTA multi-stay ticket parking area and commuter parking permit are contained in clause 5.

Clause 4 Period of effect of declaration

This clause sets out that the period for which the declaration in the instrument has effect is from the commencement of the instrument until midnight on Friday 17 September 2021.

Clause 5 Definitions

This clause contains definitions for the instrument.

Clause 6 Expiry

This clause states that this instrument expires on 19 September 2021.