

Road Transport (General) Application of Road Transport Legislation (Traffic Offence Detection Device) Declaration 2023 (No 1)

Disallowable instrument DI2023–4

made under the

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

EXPLANATORY STATEMENT

This instrument is made under section 13 of the *Road Transport (General) Act 1999* (the Act).

Section 13 of the Act confers power upon 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.

A declaration by the Minister under subsection 13 (1) is a disallowable instrument and will have effect until revoked.

Road transport legislation is defined in section 6 of the Act and includes any other Act or any regulation prescribed by regulation. The *Road Transport (Road Rules) Regulation 2017* forms part of the road transport legislation.

The purpose of this instrument is to disapply certain provisions of the *Road Transport (Road Rules) Regulation 2017* for drivers or vehicles necessary for the effective delivery of the mobile device detection system approved as a traffic offence detection device on the ACT road network.

Human Rights

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.

Climate Change

Transport Canberra and City Services anticipates that exempting drivers of vehicles used for the delivery of the mobile device detection system from the road transport legislation outlined in Clause 4 will have not have a measurable impact on climate change.

Outline of Provisions

Clause 1 names the instrument the *Road Transport (General) Application of Road Transport Legislation (Traffic Offence Detection Device) Declaration 2023*.

Clause 2 states that the instrument commences on 1 February 2023.

Clause 3 disapplies the road transport legislation outlined in Clause 4 where the vehicle is being used in relation to the operation of a mobile device detection system approved as a traffic offence detection device.

Drivers and vehicles operating a mobile device detection system may need to manoeuvre or park a vehicle on the ACT road network in manner that contravenes certain parts of the *Road Transport (Road Rules) Regulation 2017* (Road Rules). This clause provides an exemption to the vehicle, in addition to a driver, to allow for circumstances where the vehicle is unattended.

It is a requirement for the exemption of the legislation in Clause 4, that the person is taking reasonable care, and the legislation will only be disapplied if it is reasonable considering the circumstances. Vehicles should not be parked where parts protrude onto the road.

Clause 4 outlines the provisions that may be disapplied under the Road Rules. The provisions include driving or stopping on dividing strips and nature strips, as well as compliance with parking signs.

Clause 5 defines vehicle and traffic offence detection device. It also notes that terms used in the instrument have the same meaning that they have in the *Road Transport (General) Act 1999*.