

2005

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT)
AMENDMENT REGULATION 2005 (No 2)**

SL2005-22

EXPLANATORY STATEMENT

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AUSTRALIAN CAPITAL TERRITORY

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT REGULATION 2005 (No 2)

EXPLANATORY STATEMENT

Overview

The Road Transport (Safety and Traffic Management) Amendment Regulation 2005 (No 2) updates a number of sections to improve the administration of the Road Transport legislation.

In particular, these amendments:

- (a) permit the use of loading zones by taxis to drop off and pick up passengers; and
- (b) allow for pre-paid and all day parking tickets to be used in Territory multi-stay ticket parking areas where the fee is equal to or less than the fee shown on the ticket.

This package also incorporates minor technical amendments to the *Road Transport (Safety and Traffic Management) Regulation 2000* and consequential amendments of the *Road Transport (General) Regulation 2000* and the *Road Transport (Offences) Regulation 2005*.

Details

Road Transport (Safety and Traffic Management) Regulation 2000

Clause 1 - Name of regulation

This is a formal provision, which sets out the name of the amending Regulation.

Clause 2 - Commencement

This amendment provides for the commencement of the Regulation on the day after its notification day.

Clause 3 – Legislation amended

This amendment amends the *Road Transport (Safety and Traffic Management) Regulation 2000*. This regulation also amends other legislation as mentioned in schedule 2.

Clause 4 – Division 2.2.1, note 2, table

This amendment adds the new section 13A provision to the ARR Provision Table.

Clause 5 – Section 13

This amendment makes the heading more descriptive of the sections' content. This amendment also provides for the insertion of new section 13A for the purpose of allowing taxis to stop in a loading zone to drop off or pick up passengers.

Clause 6 – Division 2.3.5 heading

This amendment makes the heading more descriptive of Division 2.3.5's content.

Clause 7 – Sections 44 and 45

This amendment splits existing section 44 into new sections 44A and 44B to make their operation clearer. Section 44A(2)(b) removes the requirement in existing 44(2) of the driver having to pay the minimum relevant parking fee. Section 45 provides for exemptions to section 44A and 44B. These sections have been made Criminal Code compliant.

Clause 8 – Sections 49 and 50

This amendment splits existing section 49 into new sections 49A and 49B to make their operation clearer. This amendment also provides for the insertion of new section 49A that allows for a current equivalent all-day parking ticket to be used in an RTA multi-stay ticket parking area where the relevant parking fee of the all-day ticket is equal to or higher than the parking fee of the RTA multi-stay ticket parking area. Section 50 provides for exemptions to Sections 49A and 49B. These sections have been made Criminal Code compliant.

Clause 9 – Sections 52 and 53

This amendment revises the provision to make use of the definition of *relevant parking fee*. This amendment brings the heading of section 53 heading in line with the definition of *parking ticket machines*.

Clause 10 – Sections 55 and 56

This amendment is consequential to the amendment of the division 2.3.5 heading and relocates the division 2.3.7 heading to cover appropriate stopping and parking provisions. The new note attached to division 2.3.7 is similar to the note after the existing division 2.3.5 heading that is omitted by the substitution of the new heading by another amendment above. Section 56 has been split into new section 56A to improve clarity. This amendment also makes sections 55 and 56 Criminal Code compliant.

Clause 11 – Section 58

This amendment makes section 58 Criminal Code compliant and removes ambiguity as to the burden of proof that would lie on a defendant.

Clause 12 – Section 58(b)

This amendment is of a clarification nature.

Clause 13 – Division 2.3.6 heading

This amendment is consequential on the renumbering and clarification of the heading.

Clause 14 – Section 63

This amendment brings the heading in line with current drafting practices.

Clause 15 – Section 71

This amendment is consequential on the amendment of section 58(1) by another amendment.

Clause 16 – Section 74(3)

This amendment splits existing Section 74(3) into new section 74(4) to separate parking meter and multi-space parking meter for clarity.

Clause 17 – Section 76(2)(c)

This amendment omits unnecessary words.

Clause 18 – Section 80(1)(d)

This amendment revises the provision to include the fee paid to be printed on a parking ticket.

Clause 19 – New section 80(1), new examples

This amendment adds new examples and a note to clarify the references to new section 80(1).

Clause 20 – Section 80(1)

This amendment is consequential on the renumbering of paragraphs.

Clause 21 – Section 92(6)(c)

This amendment brings the language of the provision into line with the reference to *parking spaces*.

Clause 22 – Sections 100 and 101

This amendment revises the provision to make use of the definition of *parking permit*. This amendment also adds new examples to clarify the references to section 100. The amendment provides for a declaration of a parking permit to be a notifiable instrument. Existing section (6), which defines *designated*, is omitted as it is unnecessary due to the reference to a *permit zone sign*. Section 101 has been amended in line with section 100. New section 101A and 101B combines the cancellation of mobility parking scheme and parking permits. The period of 7 days in section 101B has been changed to 21 days for consistency with existing provisions.

Clause 23 – Dictionary, definition of *loading zone permit*

This amendment omits the dictionary definition of *loading zone permit* as is defined at section 13.

Clause 24 – Dictionary, definition of *parking meter*

This amendment brings the language of the provision into line with the revised new section 44A(2)(b) that is inserted by another amendment.

Clause 25 – Dictionary, definitions of *parking permit* and *pay parking device*

This amendment revises the provision to include the new definition of *parking permit* and *pay parking device*.

Clause 26 – Dictionary, new definition of *pay parking sign*

This amendment revises the provision to include the new definition of *pay parking sign*.

Clause 27 – Dictionary, definitions of *relevant parking fee*, *ticket parking area* and *ticket parking space*

This amendment revises the provision to the new definition of *relevant parking fee*, *ticket parking area* and *ticket parking space*.

Schedule 1

Road Transport (Safety and Traffic Management) Regulation 2000 – Technical amendments

Clauses [1.1] to [1.19].

These amendments are of a technical nature only.

Further details are contained in the explanatory notes following each clause.

Schedule 2

Part 2.1

Road Transport (General) Regulation 2000

Clauses [2.1] to [2.4] are consequential amendments.

Part 2.2

Road Transport (Offences) Regulation 2005

Clauses [2.5] to [2.9] are consequential amendments.