

Road Transport (General) Application of Road Transport Legislation Declaration 2016 (No 2)

Disallowable instrument DI2016–7

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 6 of the *Road Transport (Safety and Traffic Management) Regulation 2000* incorporates the Australian Road Rules and therefore these rules are part of the road transport legislation. Under section 104 of the *Legislation Act 2001*, a reference to an Act includes a reference to a regulation made under the Act.

Clauses 1 and 2 of the instrument are formal provisions dealing with the name and commencement of the instrument.

Clause 3 sets out the declaration that disapplies a number of sections of the *Road Transport (Safety and Traffic Management) Regulation 2000*, as well as a number of *Australian Road Rules*.

Clause 4 provides that the declaration has effect until 6:00am on 15 February 2016.

The purpose of this disallowable instrument is to suspend pay parking in specified areas to support the 2016 National Multicultural Festival. The areas identified in the schedule to the instrument are to be used for a range of purposes, including stall locations, stages, emergency services compounds, cold food storage, and waste disposal as part of the Festival.

Regulatory Impact Statement (RIS): The disallowable instrument is not likely to impose appreciable costs on members of the general public, and does not operate to the disadvantage of anyone by adversely affecting a person's rights or imposing liabilities on the person. Therefore a RIS is unnecessary (under section 36(1)(b) of the *Legislation Act*).