

Road Transport (General) Application of Road Transport Legislation Declaration 2017 (No 7)

Disallowable instrument DI2017–234

made under the

Road Transport (General) Act 1999, section 12 (Power to include or exclude area in road transport legislation)

EXPLANATORY STATEMENT

Background

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 6 of the *Road Transport (Safety and Traffic Management) Regulation 2000* incorporates the Australian Road Rules (ARR) and these therefore form part of the road transport legislation.

This declaration is made to support operational arrangements for the Floriade event at Commonwealth Park in September and October 2017. The effect of the declaration is to facilitate the festival by allowing for parking restrictions to be removed for a section of parking on Barrine Drive to allow volunteers and traders to park free of charge while participating in the event.

A number of provisions of the road transport legislation are disapplied to support the arrangements for this event. These are:

1. *Road Transport (Safety and Traffic Management) Regulation 2000* Division 2.3.6 (Ticket parking) other than sections 53 (Misuse of parking ticket machines) and 54 (Interfering with parking ticket machines etc); and
2. *Australian Road Rules* rule 207 (Parking where fees are payable); and
3. *Australian Road Rules* rule 211 (Park in parking bays).

Australian Road Rules is defined in section 3 of the instrument.

A regulatory impact statement is not required as this instrument does not impose appreciable costs on the community or a part of the community (see s 34(1) *Legislation Act 2001*). Further, the temporary suspension of parking rules at an area in Acton to support a cultural event in Commonwealth Park does not operate to the disadvantage of anyone by adversely affecting their rights or imposing liabilities on the person (see s 36(1) *Legislation Act*).

Outline of provisions

Section 1 – Name of instrument

This section names the instrument.

Section 2 – Commencement

This section states that the instrument commences on the day after it is notified.

Section 3 – Declaration

This section declares that provisions of the road transport legislation do not apply for the period set out in schedule 4, within the area identified in the schedule. This has the effect of disapplying all parking rules that apply to this area, to support the logistical arrangements for the event.

The road transport legislation provisions that are disappplied are:

1. *Road Transport (Safety and Traffic Management) Regulation 2000* Division 2.3.6 (Ticket parking) other than sections 53 (Misuse of parking ticket machines) and 54 (Interfering with parking ticket machines etc); and
2. *Australian Road Rules* rule 207 (Parking where fees are payable); and
3. *Australian Road Rules* rule 211 (Park in parking bays).

Section 4 – Period of effect of declaration

This section provides that the declaration has effect for the period of time between 10:00pm, 15 September 2017 to 10:00pm, 16 October 2017.

Section 5 – Expiry

This section provides that the instrument expires on 17 October 2017.