

# Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 1)

## Disallowable instrument DI2018–09

made under the

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

## EXPLANATORY STATEMENT

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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.

The purpose of this disallowable instrument is to suspend pay parking in specified areas to support the 2018 National Multicultural Festival. The areas identified in the schedules 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.

### **Outline of Provisions**

#### **Section 1 – Name of Instrument**

This section names the instrument.

#### **Section 2 – Commencement**

This section provides that the instrument commences on 15 February 2018.

#### **Section 3 – Declaration**

This section 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*. The areas in which parking rules are disapplied are identified in the schedules.

#### **Section 4 – Period of effect of declaration**

This section provides that the declaration has effect for defined periods that relate to the areas in the corresponding schedules.

For the areas identified in schedule 1, the declaration has effect during the period commencing at 6:00am on Thursday, 15 February 2018 and ending at 6:00am on Monday, 19 February 2018.

For the areas identified in schedule 2, the declaration has effect during the period commencing at 12:01am on Friday, 16 February 2018 and ending at 6:00am on Monday, 19 February 2018.

#### **Section 5 – Expiry**

This section provides that the declaration expires on 20 February 2018.

**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 2001*).