

# Road Transport (General) Application of Road Transport Legislation - Stopping in Permit Zone Declaration 2018

## Disallowable instrument DI2018-72

made under the

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

## EXPLANATORY STATEMENT

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Section 13 of the *Road Transport (General) Act 1999* (the Act) empowers 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.

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 a law includes a reference to the statutory instruments made or in force under the law. The *Road Transport (Road Rules) Regulation 2017* was made under the *Road Transport (Safety and Traffic Management) Act 1999* and therefore forms part of the road transport legislation.

Section 185 of the *Road Transport (Road Rules) Regulation 2017* prohibits drivers from stopping in a permit zone unless the driver's vehicle displays a current permit that allows that vehicle to stop in that zone.

The instrument declares that s 185 does not apply to the drivers of certain government and diplomatic vehicles, as detailed in column 1 of the schedule, if they are stopped in the specified declared permit zone, as identified in the corresponding entry in column 2 of the schedule.

### Updates to the instrument

This instrument has been updated to reflect the commencement of the *Road Transport (Road Rules) Regulation 2017*. The *Road Transport (Road Rules) Regulation 2017* consolidates the Australian Road Rules and ACT specific road rules from the *Road Transport (Safety and Traffic Management) Regulation 2000*. The current instrument does not make any substantive changes to the previous instrument, the *Road Transport (General) Declaration that Australian Road Rule No 185 does not apply to drivers of certain vehicles 2000* (DI2000-359). The current instrument merely updates

legislative references that were previously in the *Road Transport (Safety and Traffic Management) Regulation 2000* and are now found in the *Road Transport (Road Rules) Regulation 2017*.

### **Regulatory Impact Statement (RIS)**

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 disapplication of s 185 from the drivers of certain government and diplomatic vehicles 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 2001*).

### **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

### **Outline of provisions**

**Clause 1** names the instrument the *Road Transport (General) (Application of Road Transport Legislation - Stopping in Permit Zone) Declaration 2018*.

**Clause 2** states that the instrument commences on 30 April 2018. This coincides with the commencement of the new *Road Transport (Road Rules) Regulation 2017*.

**Clause 3** declares that section 185 (Stopping in permit zone) of the *Road Transport (Road Rules) Regulation 2017* does not apply to a driver of a declared vehicle identified in column 1 of the schedule stopped in a declared permit zone identified in the corresponding entry in column 2 of the schedule. The declared vehicles are different categories of government vehicles and diplomatic vehicles and the declared permit zones are government vehicle and diplomatic vehicle zones.

**Clause 4** provides that the *Road Transport (General) Declaration that Australian Road Rule No 185 does not apply to drivers of certain vehicles 2000* (DI2000-359) is revoked.