

Australian Capital Territory

Road Transport (General) Application of Road Transport Legislation (Pedicab) Declaration 2018

Disallowable instrument DI2018–244

made under the

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

EXPLANATORY STATEMENT

This instrument is made under section 13 of the *Road Transport (General) Act 1999* (the Act) which allows the Minister to exclude vehicles, persons or animals from the operation of the road transport legislation, or a provision of that legislation, by disallowable instrument. Under section 13 (1) of the Act, an exclusion operates in the circumstances and/or places declared in the instrument.

Road transport legislation is defined in section 6 of the Act and includes:

- a. the *Road Transport (Public Passenger Services) Act 2001*;
- b. the *Road Transport (Public Passenger Services) Regulation 2002*; and
- c. the *Road Transport (Driver Licensing) Act 1999*.

The ACT Government is committed to measures that shape a vibrant and sustainable city that continues to attract people to live, work and study in Canberra. This includes supporting innovative and sustainable modes of transport.

The ACT's road safety strategy recognises the role played by sustainable transport policies in improving road safety. Policies that aim to reduce car traffic and prioritise sustainable transport – walking, cycling and public transport – are valuable in their own right, but also have measurable safety benefits.

The ACT Government is committed to making Canberra a sustainable city with modern and innovative transport options.

Human rights implications

There are no human rights implications arising from this instrument.

Climate change implications

There are no adverse climate change implications arising from this instrument.

Clause Notes

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

Clause 3 of the instrument declares the certain road transport law does not apply in the place and circumstances identified in the declaration.

Subsection (1) provides that the operator of a pedicab is exempt from the road transport law as identified. All other road transport law applies.

A pedicab is a bicycle for the purposes of the ACT's road transport legislation.

Clause 4 contains definitions for the instrument.

Schedule 1 sets out the circumstances under which this declaration is made. These circumstances are designed to mitigate safety risks to pedicab operators, passengers and other users of areas where pedicabs are operating.

Along with the provisions of the road transport legislation that are not part of this determination, the circumstances listed in this Schedule establish the regulatory framework for operating a pedicab service in the Territory. It is noted that a pedicab operator is a person who provides supervised passenger services using a pedicab.

Failure to comply with the conditions may result in the revocation of this instrument.

Attachment A to Schedule 1 contains maps showing the areas where these services will be provided.