

Australian Capital Territory

# Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 7)

Disallowable instrument DI2018–248

made under the

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

## EXPLANATORY STATEMENT

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### 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 33 of the *Road Transport (Safety and Traffic Management) Act 1999* incorporates the *Road Transport (Road Rules) Regulation 2017* and which forms 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 2018. 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 (Road Rules) Regulation 2017* are disapplied to support the arrangements for this event. These are:

1. Section 205 (Parking for longer than indicated); and
2. Section 205A (Parking outside time indicated); and
3. Section 207 (Parking where fee payable); and
4. Section 211 (Parking in parking bay); and
5. Section 213I (Ticket parking - parking in space); and
6. Section 213J (Ticket parking - motorbike); and
7. Section 213K (Ticket parking - display of ticket).
8. Section 213M (Ticket parking – maximum length of stay).

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 disapplied are:

1. Section 205 (Parking for longer than indicated); and
2. Section 205A (Parking outside time indicated); and
3. Section 207 (Parking where fee payable); and
4. Section 211 (Parking in parking bay); and
5. Section 213I (Ticket parking - parking in space); and
6. Section 213J (Ticket parking - motorbike); and
7. Section 213K (Ticket parking - display of ticket).
8. Section 213M (Ticket parking – maximum length of stay).

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

This section provides that the declaration has effect for the period of time between 10:00pm, 14 September 2018 to 10:00pm, 15 October 2018.

**Section 5 – Expiry**

This section provides that the instrument expires on 16 October 2018.