

Road Transport (General) Application of Road Transport Legislation Declaration 2019 (No 10)

Disallowable instrument DI2019–209

made under the

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

EXPLANATORY STATEMENT

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* which forms part of the road transport legislation.

The purpose of this disallowable instrument is to suspend specific parking rules in specified parking areas to support operational arrangements for the Floriade event at Commonwealth Park between September and October 2019. The areas outlined in the schedule are to have parking rules disappplied for the specified times to support the logistical arrangements for the event. The effect of the declaration is to facilitate the festival by allowing for parking restrictions to be removed for a section of off-street parking accessed from Barrine Drive to allow volunteers, staff and contractors to park free of charge while participating in the event. Additionally, an area will be reserved to support tourist coach and bus parking. Public parking and traffic movement for the Floriade event will be managed through a Temporary Traffic Management Plan as approved by Transport Canberra and City Services.

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 section 34 (1), *Legislation Act 2001*). Further, the temporary suspension of parking rules to support major events such as Floriade does not operate to the disadvantage of anyone by adversely affecting their rights or imposing liabilities on the person (see section 36 (1), *Legislation Act 2001*).

The Scrutiny of Bill Committee's terms of reference requires consideration of human rights, 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 Declaration 2019 (No 10)*

Clause 2 states when the instrument commences.

Clause 3 declares a number of sections of the *Road Transport (Road Rules) Regulation 2017* do not apply to the areas identified in the schedules to the instrument.

Clause 4 specifies the time period when clause 3 has effect.

Clause 5 provides that the instrument expires on 14 October 2019.