

Australian Capital Territory

# Road Transport (Safety and Traffic Management) Airservices Australia Emergency Worker Declaration 2020 (No 1)

Disallowable Instrument DI2020–40

made under the

***Road Transport (Safety and Traffic Management) Regulation 2017, section 73 (2)***  
**(Approval etc by road transport authority)**

## EXPLANATORY STATEMENT

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Section 73 (2) of the *Road Transport (Safety and Traffic Management) Regulation 2017* provides for the road transport authority to declare a person to be an emergency worker. Subsection (3) of the Regulation makes such a declaration a disallowable instrument. A disallowable instrument must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 61 of the *Legislation Act 2001*.

Section 306 of the *Road Transport (Road Rules) Regulation 2017* provides that a provision of the *Road Transport (Road Rules) Regulation 2017* does not apply to the driver of an emergency vehicle providing that the driver is taking reasonable care and it is reasonable that the provision should not apply, and if the vehicle is moving, the vehicle is displaying a blue or red flashing light or sounding an alarm.

This instrument revokes and replaces the current *Road Transport (Safety and Traffic Management) Airservices Australia Emergency Worker Declaration 2012* (DI2012-242), which declares an employee of Airservices Australia's Aviation Rescue and Firefighting Service as an emergency worker, when that person is driving an emergency vehicle to respond to an emergency at or near an airport. DI2012-242 is made under section 66 (1) (g) of the *Road Transport (Safety and Traffic Management) Regulation 2000*.

The *Road Transport (Safety and Traffic Management) Regulation 2000* was repealed and replaced by the *Road Transport (Safety and Traffic Management) Regulation 2017* on 30 April 2018. Part 10 of the *Road Transport (Safety and Traffic Management) Regulation 2017* contains transitional provisions allowing for the continuation of DI2012-242 as if it is a declaration under section 73 (2) of the *Road Transport (Safety and Traffic Management) Regulation 2017* until 30 April 2020.

This instrument remakes DI2012-242 with reference to the relevant provisions of the new *Road Transport (Safety and Traffic Management) Regulation 2017*. The new instrument has the same effect as the revoked DI2012-242.

The instrument has also been brought into line with current drafting practices.

### **Human Rights or climate change implications**

There are no human rights or climate change implications arising from this instrument.