

Australian Capital Territory

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 4)

Disallowable instrument DI2020-60

made under the

Road Transport (Safety and Traffic Management) Regulation 2017, s 33 (Parking Authorities)

EXPLANATORY STATEMENT

Section 33(2) of the *Road Transport (Safety and Traffic Management) Regulation 2017* (the regulation) permits the road transport authority to declare a person or to be a parking authority, which may establish and operate a ticket parking scheme for any length of road or area under its control in accordance with the *Road Transport (Safety and Traffic Management) Guidelines 2020*. Section 33(3) of the regulation provides that such a declaration is a disallowable instrument. Because of this instrument, the ticket parking scheme run the by the declared person can be enforced under road transport legislation.

Benjamin Nominees (ACT) Pty Ltd is already a parking authority. The declaration needs to be updated to continue to have effect due to changes to legislation. Benjamin Nominees (ACT) Pty Ltd was declared by the road transport authority to be a parking authority for the area of Blocks 2, 3 and 4 of Section 43 in the division of Belconnen in *Road Transport (Safety and Traffic Management) Parking Authority Declaration 2005 (No 1)* (DI2005-3). DI2005-3 was made under the *Road Transport (Safety and Traffic Management) Regulations 2000*, which were repealed by the *Road Transport (Safety and Traffic Management) Regulation 2017*.

Part 10 of the *Road Transport (Safety and Traffic Management) Regulation 2017* provides transitional effect for parking authority declarations made under the *Road Transport (Safety and Traffic Management) Regulations 2000*, including DI2005-3. Part 10 expires on 30 April 2020. Therefore, the declaration must be remade under the current section of the *Road Transport (Safety and Traffic Management) Regulation 2017*; section 33(2). This instrument effects that declaration by the road transport authority of Benjamin Nominees (ACT) Pty Ltd as a parking authority for the identified area.

Declaring a person to be a parking authority does not impose appreciable costs on the community or part of the community. While the operation of a ticket parking schemes can involve fixing fees for parking vehicles in an area, this is a fee being charged by a private operator as part of a commercial arrangement. The declaration itself does not impose any costs; it simply enables the enforcement of a scheme as per the provisions of the *Road Transport (Safety and Traffic Management) Regulation 2017*.

No rights contained in the *Human Rights Act 2004* are impacted by this instrument.