

Australian Capital Territory

Road Transport (Safety and Traffic Management) Parking Authority Declaration 2020 (No 25)

Disallowable instrument DI2020-81

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.

Canberra Health Services is already a parking authority due to a declaration made to the Director-General of ACT Health. The declaration needs to be updated to continue to have effect due to changes to legislation. A parking authority was declared by the road transport authority for the areas of Blocks 9 and 10 Section 53 and Block 1 Section 58 in the division of Garran (The Canberra Hospital), Block 4 Section 1 (Brian Hennessey House) and Block 10 Section 3 (University of Canberra Hospital) in the division of Bruce in *Road Transport (Safety and Traffic Management) Declaration of Parking Authority 2018 (No 1)* (DI2018-210). DI2018-210 was made under the *Road Transport (Safety and Traffic Management) Regulations 2000*, which were repealed by the *Road Transport (Safety and Traffic Management) Regulation 2017*.

In addition to the areas listed above, this parking authority has been amended to be:

Blocks 4 and 10 of Section 53, Block 9 of Section 33, Block 1 of Section 58, and Block 25 of Section 31 in the division of Garran, and Blocks 3 and 7 of Section 1 in the division of Phillip (Canberra Hospital);

Block 14 of Section 50 (Belconnen Community Health Centre) in the division of Belconnen;

Block 8 of Section 58 (Gungahlin Community Health Centre) in the division of Gungahlin;

Block 12 of Section 67 (Independent Living Centre) in the division of Weston;

Block 10 of Section 3 (University of Canberra) in the division of Bruce; and

Block 16 of Section 49 (Dhulwa Mental Health Unit) in the division of Symonston.

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 DI2018-210. 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 Canberra Health Services 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.