

Australian Capital Territory

# Road Transport (General) Application of Road Transport Legislation Declaration 2023 (No 8)

Disallowable instrument DI2023—302

made under the

*Road Transport (General) Act 1999*, section 13 (Power to exclude vehicles, persons, or animals from road transport legislation)

## EXPLANATORY STATEMENT

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Section 13 (1) of the *Road Transport (General) Act 1999* (the Act) provides that the Minister may declare that the road transport legislation, or a provision of the road transport legislation, does not apply to a vehicle, person or animal in a place or circumstance stated in the declaration. Subsection 13 (3) of the Act makes such a declaration a disallowable instrument.

This declaration has been prepared to accommodate the USA Special Visitors Program (the event). The event has been scheduled to start on 13 December 2023 and will run until 17 December 2023.

This instrument provides that certain parts of the road transport legislation do not apply to drivers or vehicles, while participating in the event. The purpose of this instrument is to allow an accredited operator to provide hire car services using vehicles that are not registered as hire cars under ACT road transport legislation, and drivers who are not licensed to drive hire cars under the ACT road transport legislation, to provide ground transportation for the event. All drivers will hold an Australian Driver Licence required to drive the class of vehicle or be permitted to drive that class of vehicle in accordance with a valid exemption. Further, all vehicles will be registered under ACT road transport legislation or an equivalent law in another jurisdiction.

This Declaration is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 64 of the *Legislation Act 2001*.

### Human rights implications

During the development of this Instrument, due regard was given to its effect and the operation of Summernats 36 in relation to the compatibility with human rights as set out in the *Human Rights Act 2004* (HRA).

Section 28 of the HRA provides that human rights may be subject only to reasonable limits set by laws that can be demonstrably justified in a free and democratic society. The declarations in this instrument do not engage and limit any human rights.

### **Climate change implications**

There are no climate change implications associated with the instrument or the event.

### **Clause notes**

**Clause 1** is a formal provision that provides for the name of the instrument.

**Clause 2** explains when the instrument commences.

**Clause 3** provides that the *Road Transport (Public Passenger Services) Act 2001*, except for part 8A, does not apply to an accredited operator of a designated vehicle participating in the event.

*Accredited operator* and *designated vehicle* are defined in Clause 5.

**Clause 4** provides that specified provisions of the *Road Transport (Driver Licensing) Act 1999* will not apply to the driver of a designated vehicle operated by an accredited operator (to the extent that the driver is required to hold a public vehicle licence) during the event.

Clause 4 is necessary because some vehicles participating in the Special Visitors Program hold public vehicle licences in jurisdictions outside of the ACT. This clause therefore allows those drivers to operate public vehicles within the ACT during the event, without being subject to relevant penalties under the *Road Transport (Driver Licensing) Act 1999*.

**Clause 5** contains definitions of terms used in the Instrument.

**Clause 6** provides for the expiry date of the Instrument.