

THE AUSTRALIAN NATIONAL UNIVERSITY

Australian National University (Parking and Traffic) Statute 2017

The Council of the Australian National University makes the following statute.

Dated 29 September 2017

Professor the Hon Gareth Evans AC QC FASSA FAHA
Chancellor

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Part 1—Preliminary

1 Name

This is the *Australian National University (Parking and Traffic) Statute 2017*.

2 Commencement

This instrument commences on 1 January 2018.

3 Authority

This instrument is made under the *Australian National University Act 1991*, sections 50 and 51.

4 Simplified outline of this instrument

The *Australian National University Act 1991* authorises the Council of the University to make statutes for or in relation to the regulation or control of traffic, or of the parking, stopping, standing or leaving of vehicles, on land occupied by the University in the ACT. The statute may provide for the punishment, upon summary conviction, by a fine, of offences against the statute.

This statute is made under that authority.

The statute regulates and controls traffic, and the parking (including the stopping, standing or leaving) of vehicles, on University land by applying ACT parking and traffic laws. There are, however, 2 main exceptions to the application of ACT law by the statute.

First, the statute applies most, but not all, relevant ACT parking and traffic laws to University land. The applied laws are identified in section 8 and include the specific ACT laws mentioned in Schedule 1.

As a result, most, but not all, matters relating to parking and traffic on University land are provided for under the statute by applying ACT parking and traffic laws. Some matters are, however, dealt with by provisions of the statute itself rather than applied ACT law. For example, Part 3 deals with parking permits and Part 4 deals with fees. This is consistent with the approach that, subject to any arrangements made with the ACT under Part 5, the applied parking and traffic laws are to be administered in relation to University land by the University instead of the ACT.

Second, the statute applies ACT parking and traffic laws with certain modifications (see s 9). Schedule 2 provides modifications that apply generally to applied laws. For example, a reference in the applied laws to the road transport authority is generally a reference to the Vice-Chancellor as the designated authority under the statute (see Schedule 2, section 11). Schedule 3 provides modifications that apply to particular applied ACT parking and traffic laws. For example, section 1 of that Schedule sets out a number of specific modifications to the applied provisions of the *ACT Road Transport (General) Act 1999*.

5 Definitions

In this instrument:

ACT means the Australian Capital Territory.

ACT authorised person means a person who is an authorised person under the General Act, section 19.

ACT law means an ACT or statutory instrument.

[Note: The ACT Legislation Act, s 13 (Meaning of *statutory instrument*) defines a ‘statutory instrument’ as an instrument (whether or not legislative in nature) made under an Act, another statutory instrument, or power given by an Act or statutory instrument and also power given otherwise by law. A ‘statutory instrument’ includes an ACT subordinate law, disallowable instrument, notifiable instrument or commencement notice. These terms are also defined in the ACT Legislation Act.]

ACT Legislation Act means the *Legislation Act 2001* (ACT).

ACT road transport authority means the Australian Capital Territory Road Transport Authority established by the General Act, section 16.

ACT road transport legislation means the ACT laws that form part of the road transport legislation within the meaning of the General Act, section 6.

[Note.1: The ACT laws that form part of the road transport legislation include the following:

- General Act
- General Regulation
- Offences Regulation
- Safety and Traffic Management Act
- Safety and Traffic Management Regulation
- Australian Road Rules;
- Withdrawal of Infringement Notices Guidelines.]

[Note 2: This section contains definitions for each of these ACT laws.]

[Note 3: ACT laws are accessible at www.legislation.act.gov.au]

applied ACT parking and traffic legislation: see section 8.

approved e-payment method: see section 17 (Approval of e-payment methods).

approved e-permit system: see section 15 (Approval of e-permit systems).

Australian Road Rules has the meaning given by the Safety and Traffic Management Regulation, section 5 (Meaning of *Australian Road Rules*).

Commonwealth Legislation Act means the *Legislation Act 2003* (Cwlth).

designated authority means the Vice-Chancellor.

disability permit means a parking permit that states that it is a disability permit.

exercise a function includes perform the function.

fee includes a charge or other amount.

function includes duty and power.

General Act means the *Road Transport (General) Act 1999* (ACT).

General Regulation means the *Road Transport (General) Regulation 2000* (ACT).

instrument: to remove any doubt, **instrument** includes any publication.

Offences Regulation means the *Road Transport (Offences) Regulation 2005* (ACT).

parking permit means a parking permit issued under section 10(1) (Issue of parking permits etc.).

Safety and Traffic Management Act means the *Road Transport (Safety and Traffic Management) Act 1999* (ACT).

Safety and Traffic Management Regulation means the *Road Transport (Safety and Traffic Management) Regulation 2000* (ACT).

this instrument includes the laws and instruments in force under this instrument, including, for example, any law or instrument applied, adopted or incorporated (with or without change) under this instrument.

University authorised person means:

- (a) a person who is an authorised person appointed under section 22 (Appointment of authorised persons); or
- (a) a person prescribed by another statute for this instrument or a provision of this instrument.

University land means land occupied by the University in the ACT.

Withdrawal of Infringement Notices Guidelines means the *Road Transport (General) Withdrawal of Infringement Notices Guidelines 2012 (No 1)* (ACT).

working day means a day that is not a Saturday, a Sunday, a public holiday in the Australian Capital Territory, or a University holiday.

6 References to ACT laws

- (1) A reference in this instrument (either generally or specifically) to an ACT law is a reference to the law as in force on the application day.
- (2) To remove any doubt, a reference in this instrument (either generally or specifically) to an ACT law includes a reference to a provision of the law.
- (3) A reference in this instrument (either generally or specifically) to an ACT law includes a reference to the statutory instruments made or in force under the law on the application day.
[Note: The ACT Legislation Act, s 13 defines ‘statutory instrument’. That definition applies in relation to this instrument (see s 7 (Application of certain definitions in ACT legislation).]
- (4) In subsection (3), a reference to the **statutory instruments made or in force** under an ACT law includes a reference to any law or instrument applied, adopted or incorporated (with or without change) under the law on the application day.

- (5) In this section:

application day means the day this instrument commences or, if another statute prescribes another day, that day.

7 Application of certain definitions in ACT legislation

- (1) This section applies to a term if the term is defined in:
 - (a) an ACT Act (but not a regulation or other instrument) that forms part of the ACT road transport legislation; or
 - (b) the ACT Legislation Act so far as it applies in relation the ACT road transport legislation.
- (2) The definition applies to each use of the term (and other parts of speech or grammatical forms of the term) in this instrument unless the contrary intention appears.

Part 2—Applied ACT parking and traffic legislation

8 What is the *applied ACT parking and traffic legislation*?

- (1) The *applied ACT parking and traffic legislation* is the following:
- (a) the ACT laws mentioned in Schedule 1 (Applied ACT parking and traffic legislation);
 - (b) any other ACT law that is declared by another statute to be included in the applied ACT parking and traffic legislation;
 - (c) the ACT Legislation Act so far as it applies to an ACT law mentioned in paragraph (a) or (b);
 - (d) any other ACT law so far as it gives meaning to, or limits or extends the meaning of, a term used in a law mentioned in paragraph (a) or (b).

Examples for paragraph (c)

1 The ACT Legislation Act, section 133 defines the term ‘penalty unit’ for the ACT road transport legislation.

2 The ACT Legislation Act, section 255 has requirements applying to the completion of forms for the ACT road transport legislation.

[Note: A reference to an ACT law includes a reference to a provision of the law and to the statutory instruments made or in force under the law (see s 6(2) and (3)).]

- (2) However, the *applied ACT parking and traffic legislation* does not include an ACT law to which subsection (1)(a) applies if the law is declared by another statute not to be included in the applied ACT parking and traffic legislation.

9 Application of applied ACT parking and traffic legislation

The applied ACT parking and traffic legislation applies in relation to University land (including in relation to acts or omissions on University land) with:

- (a) the modifications provided by Schedule 2 (General modifications) and Schedule 3 (Specific modifications); and
- (b) the modifications provided by any other statute; and
- (c) any other necessary modifications.

Part 3—Parking permits

10 Issue of parking permits etc.

- (1) The designated authority may issue a permit (a *parking permit*), in written or electronic form, authorising the parking of a vehicle on University land on a length of road, or in an area, designated by a *permit zone sign* for use by the holder of that permit or by holders of that kind of parking permit.
- (2) A parking permit may be issued:
 - (a) for a University vehicle; or
 - (b) for a University-related vehicle; or
 - (c) to an eligible person.
- (3) A parking permit may be:
 - (a) a disability permit; or
 - (b) of any other kind decided, in writing, by the designated authority.
- (4) A parking permit in written form may be issued for a single specified vehicle. A parking permit in electronic form may be issued for a single specified vehicle or for 2 or more specified vehicles.
- (5) If a parking permit is issued in written or electronic form for a single specified vehicle, the permit authorises parking for that vehicle only.
- (6) If a parking permit is issued in electronic form for 2 or more specified vehicles, the permit authorises the parking of only one of those vehicles at any time (and for no other vehicle), but does not authorise the parking of any of the specified vehicles unless that vehicle is selected, at that time, as the ‘active vehicle’ under an approved e-permit system.
- (7) A parking permit is subject to the following conditions:
 - (a) if the permit is a parking permit issued in written form—the permit must be displayed in or on the vehicle to which the permit applies when the vehicle is parked on University land; or
 - (b) if the permit is a parking permit issued in electronic form—each numberplate of the vehicle (or a vehicle) to which the permit applies must, at all times, be clearly readable when the vehicle is parked on University land.

[Note: For the condition mentioned in paragraph (a), see s 11 (Meaning of conditions about display of parking permits).]

- (8) A parking permit issued to a person is also subject to the limitations and conditions:
 - (a) stated in the permit; or
 - (b) agreed to by the person; or
 - (c) notified in writing to the person by the designated authority; or
 - (d) prescribed by the designated authority by notifiable instrument.

Examples of limitations: A parking permit may authorise parking only on particular days, at particular times or on particular University land.

- (9) A parking permit:

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- (a) must state when it expires or the period for which it applies; and
 - (b) may include anything else the designated authority considers appropriate.
- (10) For this section, the designated authority may, in writing, approve a person or other entity as a **University-related entity** if the entity uses University land, or premises on University land, in the conduct of its affairs or operations.
- (11) For this section, an **eligible person** is any of the following:
- (a) a member of the staff of the University;
 - (b) a student of the University;
 - (c) a person who frequently visits the University on University business;
 - (d) a resident in University House, Graduate House, a hall of residence, an affiliated college, or any other accommodation approved, in writing, by the designated authority for this paragraph;
 - (e) a person ordinarily present on University land in the course of the person's employment;
 - (f) anyone else if the designated authority considers that the issue of a parking permit to the person is justified.
- (12) In this section

area: see the Australian Road Rules, dictionary.

eligible person: see subsection (11).

length, of road: see the Australian Road Rules, dictionary.

permit zone sign means a *permit zone sign* under the Australian Road Rules.

road includes a road related area.

[Note: See Safety and Traffic Management Regulation, s 3A (*Road* includes road related area).]

University-related entity means a person or other entity that is approved as a University-related entity under subsection (10).

University-related vehicle means:

- (a) a vehicle registered in the name of, or owned by, a University-related entity; or
- (b) a vehicle used in an official capacity in the conduct of the affairs or operations of a University-related entity.

University vehicle means:

- (a) a vehicle registered in the name of, or owned by, the University; or
- (b) a vehicle used in an official capacity in the conduct of the affairs or operations of the University.

11 Meaning of conditions about display of parking permits

- (1) If it is a condition of a parking permit that the permit must be displayed in or on the vehicle (or a vehicle) to which the permit applies when it is parked on University land, it is a condition of the permit that the driver of the vehicle ensures that the permit is correctly displayed in or on the vehicle when the vehicle is parked on University land as authorised by the permit.
 - (2) In this section:
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correctly displayed—a parking permit is **correctly displayed** in or on a vehicle if the permit is displayed:

- (a) in or on the front left-hand side of the vehicle or, if the permit or a condition of the permit states that the permit must be displayed in or on a particular part of the vehicle, in or on that part of the vehicle; and
- (b) in a way that the details of the permit on the front of the permit are clearly visible from outside the vehicle.

front, of a parking permit—to remove any doubt, the front of a parking permit is the side of the permit that states when it expires or the period for which it applies.

12 Replacement of lost etc. parking permits

- (1) On application by the holder of a current parking permit issued in written form, the designated authority may issue a replacement parking permit if satisfied that the current permit has been lost, stolen, destroyed or damaged.
- (2) If the parking permit has been damaged, the permit must be returned with the application.

13 Surrender of parking permits

The holder of a current parking permit may surrender the permit by written notice given to the designated authority.

14 Cancellation of parking permits

- (1) The designated authority may cancel a parking permit issued to a person if:
 - (a) the person is given at least 4 infringement notices in a calendar year that are not withdrawn or successfully disputed; or
 - (b) the person is no longer eligible to be issued with the permit; or
 - (c) the person contravenes a condition of the permit; or
 - (d) the person otherwise contravenes this instrument in relation to the permit; or
 - (e) the designated authority considers that the cancellation of the permit is justified for another reason.
- (2) If the designated authority proposes to cancel a parking permit issued to a person, the authority must give the person a written notice:
 - (a) stating that the authority proposes to cancel the permit; and
 - (b) giving a brief explanation for the proposed cancellation; and
 - (c) stating that the person may, within 10 working days after the day the person is given the notice, give a written response to the authority about the notice.
- (3) In deciding whether to cancel the parking permit, the designated authority must consider any response given to the authority by the person in accordance with the notice.
- (4) The designated authority must give the person written notice of the authority's decision.
- (5) The notice must include, or be accompanied by, a statement of reasons for the decision.
- (6) If the designated authority decides to cancel the permit, the cancellation takes effect at the end of the day when written notice of the decision is given to the person or, if the notice states a different day of effect, at the end of that day.

[Note: The permit holder must return the parking permit to the designated authority: see Safety and Traffic Management Regulation, s 101B as it applies under this instrument (see Schedule 3).]

15 Approval of e-permit systems

- (1) The designated authority may, by notifiable instrument, approve an e-permit system (an *approved e-permit system*) for parking permits.
- (2) An e-permit system may be approved for all or stated parking permits.
- (3) The designated authority must not approve an e-permit system unless satisfied that the system is capable of:
 - (a) allowing users of the system to select a vehicle as the ‘active vehicle’; and
 - (b) giving the authority up-to-date information about the vehicles that have been selected as ‘active vehicles’; and
 - (c) keeping a record of each selection.
- (4) In this section:

e-permit system means a system that allows users of the system to access the system using an electronic device.

Part 4—Fees

16 Determination of fees

- (1) The designated authority may, in writing, determine the fees that are payable to the University for the purposes of this instrument.
- (2) Without limiting subsection (1), a fee may be determined in relation to:
 - (a) the provision of a service or facility under or in relation to this instrument; or
 - (b) the grant, issue, renewal, revocation, surrender or variation of, or the doing of anything else in relation to, an approval, authority, certificate, exemption, permission, permit or anything else under or in relation to this instrument.

Examples of determined fees: parking fees and fees for parking permits

- (3) Without limiting subsection (1), a determination under this section may make provision about the following in relation to a fee:
 - (a) how the amount of the fee is to be calculated;
 - (b) the circumstances in which the fee is payable;
 - (c) exempting a person from payment of the fee;
 - (d) when the fee is payable and how it is to be paid (for example, as a lump sum or by instalments);
 - (e) waiving, postponing or refunding the fee (completely or partly);
 - (f) when the fee is taken to have been paid (or not paid), including, for example, if it is paid by cheque, credit or debit card, or payment transfer.
- (4) A determination under this section has effect despite anything in any ACT law, including an ACT law applied by this instrument.
- (5) The designated authority must ensure that a determination in force under this section is publicly available on the University's website or any other way that the designated authority considers appropriate.

17 Approval of e-payment methods

- (1) The designated authority may, by notifiable instrument, approve an e-payment method (an ***approved e-payment method***) as a method for paying ticket parking fees.
- (2) The designated authority must not approve an e-payment method unless satisfied that the method is capable of:
 - (a) giving the designated authority up-to-date information about ticket parking fees paid; and
 - (b) keeping a record of each transaction; and
 - (c) giving a person using the method an electronic receipt for the transaction.
- (3) In this section:

e-payment method means a method for payment using an electronic device.

ticket parking area: see the Safety and Traffic Management Regulation, dictionary.

ticket parking fee means a fee payable by the driver of a vehicle for the use of a ticket parking space in a ticket parking area.

ticket parking space: see the Safety and Traffic Management Regulation, dictionary.

Part 5—Arrangements with the ACT

18 Administrative arrangements with ACT

- (1) The designated authority may, on behalf of the University, enter into arrangements with the ACT in relation to the following:
 - (a) the administration of this instrument, including all or any provisions of the applied ACT parking and traffic legislation in relation to its application to University land under this instrument;
 - (b) the administration of the ACT road transport legislation in its application in relation to University land.
- (2) Without limiting subsection (1), an arrangement may provide for:
 - (a) the exercise of functions by the ACT (or its authorities, officers, employees or contractors) on behalf of the University (or its authorities, officers, employees or contractors); or
 - (b) the exercise of functions by the University (or its authorities, officers, employees or contractors) on behalf of the ACT (or its authorities, officers, employees or contractors).
- (3) In this section:

administration: to remove any doubt, *administration* includes enforcement.

19 Installation of prescribed traffic control devices on University land etc.

- (1) To remove any doubt and without limiting section 18 (Administrative arrangements with ACT), this instrument does not prevent:
 - (a) the ACT road transport authority from installing or displaying a prescribed traffic control device on or above University land under arrangements with the University, or from changing or removing, under arrangements with the University, a prescribed traffic device installed or displayed on or above University land by the ACT road transport authority; or
 - (b) the ACT road transport authority or an ACT authorised person from taking action to enforce the ACT road transport legislation in relation to a prescribed traffic control device installed or displayed on or above University land by the ACT road transport authority under arrangements with the University; or
 - (c) the University or a University authorised person from taking action to enforce this instrument in relation to a prescribed traffic control device installed or displayed on or above University land by the ACT road transport authority under arrangements with the University; or
 - (d) an ACT authorised person from exercising any function that the ACT authorised person has under this instrument.

[Note 1: The following terms are defined in the dictionary to the Safety and Traffic Management Act and the definitions apply in relation to the use of the terms in this section (see s 7 (Application of certain definitions in ACT legislation)):

- *installation*, of a prescribed traffic control device
- *prescribed traffic control device*.

The Safety and Traffic Management Regulation, section 63 (Devices that are prescribed traffic control devices—Act, dict, def *prescribed traffic control device*)

prescribes the things that are prescribed traffic control devices. These include ‘traffic control devices’ and ‘traffic-related items’ that have effect for certain provisions of the Australian Road Rules. These terms are defined in the Australian Road Rules, dictionary. They include things such as traffic signs, road markings and traffic signals.]

[Note 2: The functions of an ACT authorised person under the provisions of the applied ACT parking and traffic legislation mentioned in Schedule 2 (General modifications), section 4(4) (Authorised persons: general) are examples of the functions to which paragraph (d) applies.]

(2) In this section:

ACT authorised person includes, in relation to an infringement notice or reminder notice for an infringement notice offence, a person who is an authorised person for the service of the notice under the General Act, Part 3 (Infringement notices for certain offences).

University authorised person includes, in relation to an infringement notice or reminder notice for an infringement notice offence, a person who is appointed under the General Act, section 53A(1) (Authorised people for infringement notice offences), as applied by this instrument, to serve infringement notices or reminder notices, as the case may be, for the offence or infringement notice offences.

Part 6—Miscellaneous

20 Traffic sign diagrams

- (1) The designated authority may, by notifiable instrument, declare that a specified diagram of a traffic sign is taken, for this instrument, to be included in the Australian Road Rules, Schedule 3 (Other permitted traffic signs).
- (2) If the designated authority makes a declaration under subsection (1) in relation to a diagram of a traffic sign, the diagram represents a permitted version of the sign for this instrument.
- (3) This section has effect despite anything in any ACT law, including an ACT law applied by this instrument.
- (4) In this section:

traffic sign: see the Australian Road Rules, dictionary.

21 Words on or with certain traffic signs

- (1) The designated authority may, by notifiable instrument, declare that a *permissive parking sign* with a specified word or specified words on or with the sign is taken, for this instrument, to be a ticket parking sign.
- (2) To remove any doubt, subsection (1) does not prevent a *permissive parking sign* with another word or other words on or with the sign from being a ticket parking sign for this instrument.
- (3) This section has effect despite anything in any ACT law, including an ACT law applied by this instrument.
- (4) In this section:

permissive parking sign means a *permissive parking sign* under the Australian Road Rules.

22 Appointment of authorised persons

- (1) The designated authority may, in writing, appoint a person to be an authorised person for this instrument or stated provisions of this instrument.
- (2) A person must not be appointed under subsection (1) unless:
 - (a) the person is an Australian citizen or a permanent resident of Australia; and
 - (b) the designated authority is satisfied that the person is a suitable person to be appointed, having regard in particular to:
 - (i) whether the person has any criminal convictions; and
 - (ii) the person's employment record; and
 - (c) the person has satisfactorily completed adequate training to exercise the functions of an authorised person that are proposed to be given to the person.

23 Approved forms

- (1) The designated authority may, in writing, approve forms for this instrument.
- (2) If the designated authority approves a form for a particular purpose, the form must be used for that purpose.
- (3) Subsection (2) has effect despite anything in any ACT law, including an ACT law applied by this instrument.
- (4) Without limiting subsection (3), if the designated authority approves a form (the *ANU form*) for a particular purpose and there is a form approved, or a form is approved, under an ACT law (the *ACT form*) for that purpose, the ANU form (and not the ACT form) must be used for that purpose for this instrument.
- (5) The designated authority must ensure that approved forms are publicly available on the University's website or any other way that the designated authority considers appropriate.

24 Service of notices etc.

- (1) This section applies to a notice or other document that is required or permitted to be served on an individual under this instrument (whether the word 'give', 'notify', 'send', 'tell' or another word is used).
- (2) The document may be served on an individual:
 - (a) by giving it to the individual; or
 - (b) by sending it by prepaid post, addressed to the individual, to an address shown in the University's records as the individual's semester address, work address or permanent home address; or
 - (c) by emailing it to:
 - (i) if the individual has an email address provided by the University—that email address; or
 - (ii) in any case—otherwise recorded by the University as the individual's email address.
- (3) A document served by post on an individual under subsection (2)(b) is taken to have been served on the day when it would have been delivered in the ordinary course of post.
- (4) A document served by email on an individual under subsection (2)(c) is taken to have been served on the day it would have been received in the ordinary course of email transmission.
- (5) This section does not affect the operation of any other law (including an ACT law applied by this instrument) that authorises or requires service of a document otherwise than as provided under this section.

[Note: This section does not apply, for example, to the service of infringement notices. The General Act, section 24(3) (Infringement notices), as applied by this instrument, provides that an infringement notice must be served in the way prescribed by regulation (under that Act). The Offences Regulation, section 12 (Infringement notices—service if offender known—Act, s 24 (2)) and section 12A (Infringement notices—service if offender unknown—Act, s 24 (2)) prescribe how an infringement notice may be served.]

25 Delegation by designated authority etc.

- (1) The designated authority may, in writing, delegate the authority's functions under this instrument to a member of the staff of the University or, under arrangements with the ACT, to an authority, officer, employee or contractor of the ACT.
- (2) A delegation under subsection (1) may authorise the delegate to subdelegate, in accordance with the delegation, all or part of a delegated function to a member of the staff of the University or, under arrangements with the ACT, to an authority, officer, employee or contractor of the ACT.

26 Repeal

The *Parking and Traffic Statute 2015* is repealed.

27 Transitional

- (1) This instrument (other than this section) does not apply to an act or omission that happened before the commencement of this instrument.
- (2) Despite the repeal of the *Parking and Traffic Statute 2015*, that statute continues to apply to an act or omission that happened before the commencement of this instrument if that statute applied to the act or omission immediately before that commencement.
- (3) Subsection (2) is additional to, and does not limit, the *Acts Interpretation Act 1901*, section 7 (Effect of repeal or amendment of Act).

Schedule 1—Applied ACT parking and traffic legislation

[Note: See section 8.]

1 Applied ACT parking and traffic legislation

The ACT laws mentioned in the following table are included in the applied ACT parking and traffic legislation for this instrument.

Applied ACT parking and traffic legislation	
Item	ACT laws
1	<p>The following provisions of the General Act:</p> <ul style="list-style-type: none">(a) the following provisions of Part 2 (Administration of road transport legislation):<ul style="list-style-type: none">(i) Division 2.1 (Road transport legislation);(ii) Division 2.2 (Relationship between road transport legislation and other laws);(iii) Division 2.3 (Responsible persons for vehicles under road transport legislation);(iv) section 12 (Power to include or exclude areas in road transport legislation);(v) section 13 (Power to exclude vehicles, persons or animals from road transport legislation);(vi) section 20 (Identity cards);(vii) section 21 (Power not to be exercised before identity card shown);(b) the following provisions of Part 3 (Infringement notices for certain offences):<ul style="list-style-type: none">(i) Division 3.1 (Preliminary);(ii) Division 3.2 (Infringement and reminder notices);(iii) Division 3.2B (Waiver of infringement notice penalties);(iv) Division 3.3 (Infringement notice offences involving registrable vehicles—responsible person’s liability);(v) Division 3.3AA (Withdrawal of infringement notices);(vi) Division 3.3AB (Effect of penalty payment etc);(vii) Division 3.5 (Disputing liability);(viii) Division 3.6 (Miscellaneous);(c) the following provisions of Part 4 (Enforcement of road transport legislation):<ul style="list-style-type: none">(i) section 58 (Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider);(ii) section 60 (Police officer or authorised person may require people to disclose identity of driver);(iii) section 64 (Court may order disqualification for other offences);(iv) section 66 (Effect of disqualification);(v) section 70 (Additional powers of court);(vi) Division 4.3 (Evidentiary provisions in relation to road transport legislation);

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- (vii) Division 4.4 (Proceedings for offences under road transport legislation);
 - (d) the following provisions of Part 11 (Miscellaneous):
 - (i) section 231 (Person not to hinder or obstruct);
 - (ii) section 232 (False or misleading statements);
 - (e) dictionary.
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- 2 The following provisions of the General Regulation:
- (a) the following provisions of Part 2 (Administration of road transport legislation):
 - (i) section 5 (Responsible people for vehicle);
 - (ii) section 9B (When posted notice is taken to be given);
 - (b) section 10 (Certificate evidence—Act, s 72 (4));
 - (c) dictionary.
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- 3 The following provisions of the Offences Regulation:
- (a) Part 2 (Infringement notices);
 - (b) Part 3 (Enforcement of road transport legislation);
 - (c) Schedule 1 (Short descriptions, penalties and demit points);
 - (d) dictionary.
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- 4 The following provisions of the Safety and Traffic Management Act:
- (a) Part 5 (Traffic control devices);
 - (b) Part 7 (Traffic management);
 - (c) dictionary.
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- 5 The following provisions of the Safety and Traffic Management Regulation:
- (a) Chapter 1 (Preliminary);
 - (b) Chapter 2 (Australian Road Rules), Part 2.1 (Incorporation into ACT law);
 - (c) Chapter 2 (Australian Road Rules), Part 2.2 (How the Australian Road Rules are incorporated);
 - (d) the following provisions of Chapter 2 (Australian Road Rules), Part 2.3 (Additional ACT road rules):
 - (i) Division 2.3.1 (Noise and other nuisances);
 - (ii) Division 2.3.1A (Bicycle riders);
 - (iii) Division 2.3.1B (People using personal mobility devices);
 - (iv) Division 2.3.2 (Driver and passenger safety);
 - (v) Division 2.3.6 (Ticket parking);
 - (vi) Division 2.3.7 (Other ACT road rules about stopping and parking);
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- (vii) Division 2.3.8 (Other ACT road rules);
 - (e) Chapter 2 (Australian Road Rules), Part 2.4 (Other provisions);
 - (f) the following provisions of Chapter 3 (Parking), Part 3.1 (Parking schemes):
 - (i) Division 3.1.2 (Ticket parking schemes);
 - (ii) Division 3.1.4 (Miscellaneous);
 - (g) section 101B (Parking permits and mobility parking scheme authorities—return when cancelled);
 - (h) Chapter 3 (Parking), Part 3.3 (Parking—other provisions);
 - (i) section 111 (Removal of unattended vehicles—Act, s 32 (1) (c));
 - (j) dictionary.
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- 6 The following provisions of the Australian Road Rules:
- (a) Part 1 (Introductory), Division 2 (Some features of the Australian Road Rules);
 - (b) Part 2 (Application of the Australian Road Rules);
 - (c) the following provisions of Part 8 (Traffic signs and road markings):
 - (i) Division 1 (Traffic signs and road markings at intersections and other places);
 - (ii) Division 2 (Traffic signs and road markings generally);
 - (d) Part 12 Restrictions on stopping and parking);
 - (e) Part 14 (Rules for pedestrians);
 - (f) Part 15 (Additional rules for bicycle riders);
 - (g) the following provisions of Part 18 (Miscellaneous road rules):
 - (i) rule 288 (Driving on a path);
 - (ii) rule 289 (Driving on a nature strip);
 - (iii) rule 290 (Driving on a traffic island);
 - (iv) rule 291 (Making unnecessary noise or smoke);
 - (v) rule 293 (Removing fallen etc things from the road);
 - (vi) rule 304 (Directions by a police officer or authorised person);
 - (h) Part 19 (Exemptions);
 - (i) Part 20 (Traffic control devices and traffic-related items);
 - (j) Part 21 (General);
 - (k) Schedule 1 (Abbreviations and symbols);
 - (l) Schedule 2 (Standard or commonly used traffic signs);
 - (m) Schedule 3 (Other permitted traffic signs);
 - (n) Schedule 4 (Symbols and other traffic-related items);
 - (o) dictionary.
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7 Withdrawal of Infringement Notices Guidelines

Schedule 2—General modifications

[Note: See sections 9.]

1 Administering authority

A reference to the *administering authority* for an infringement notice offence (however described) is a reference to the designated authority.

2 Approved e-payment method

A reference to an *approved e-payment method* is a reference to an approved e-payment method under section 17 (Approval of e-payment methods) of this instrument.

3 Approved forms

A reference to an *approved form* is a reference to a form approved under section 23 (Approved forms) of this instrument.

4 Authorised persons: general

(1) This section applies to a reference to an *authorised person*, other than in relation to an infringement notice or reminder notice for an infringement notice offence.

[Note: Section 5 of this Schedule applies to a reference to an authorised person in relation to an infringement notice or reminder notice for an infringement notice offence.]

(2) A reference to an *authorised person*, other than in an inclusive provision, is a reference to a University authorised person.

(3) A reference to an *authorised person* in an inclusive provision includes a reference to a University authorised person.

(4) In this section:

inclusive provision means:

(a) any of the following provisions of the Safety and Traffic Management Act:

(i) section 20 (Removal of unauthorised devices);

(ii) section 31 (Removal of dangers and obstructions to traffic);

(iii) section 32 (Removal of unattended vehicles from certain places);

(b) the Safety and Traffic Management Regulation, section 64 (Preventing prescribed traffic control devices being clearly visible).

5 Authorised persons: infringement notices and reminder notices

A reference to an authorised person (however described), in relation to an infringement notice or reminder notice for an infringement notice offence, is a reference to any University authorised person or to another person appointed under the General Act, section 53A(1) (Authorised people for infringement notice offences), as applied by this instrument, to serve infringement notices or reminder notices, as the case may be, for the offence or infringement notice offences.

6 Minister

A reference to the *Minister* is a reference to the designated authority.

7 Notifiable instruments

A reference to a **notifiable instrument** is a reference to a notifiable instrument under the Commonwealth Legislation Act.

[Note: An instrument made under this instrument (including under the applied ACT parking and traffic legislation in its application in relation to University land under this instrument) that is a notifiable instrument must be registered under the Commonwealth Legislation Act and not the ACT Legislation Act.]

8 Offence references

A reference to an **offence against a territory law**, or to an **offence against the road transport legislation**, includes a reference to an offence against this instrument, including the applied ACT parking and traffic legislation in its application in relation to University land under this instrument.

9 Parking permits

A reference to a **parking permit** is a reference to a parking permit issued under section 10(1) (Issue of parking permits etc.) of this instrument.

10 Penalty levels

- (1) The maximum fine that can be imposed on a person for an offence against this instrument (including the applied ACT parking and traffic legislation in its application in relation to University land under this instrument) is 10 penalty units.
- (2) Subsection (1) has effect despite anything else in this instrument.
- (3) In this section, to remove any doubt, **penalty unit** has the meaning given by the ACT Legislation Act, section 133.

11 Road transport authority

- (1) A reference to the **road transport authority**, other than in an excepted provision, is a reference to the designated authority.
- (2) A reference to the **road transport authority** in an inclusive provision includes a reference to the designated authority.
- (3) In this section:

excepted provision means:

- (a) either of the following provisions of the General Act:
 - (i) section 66(4) or (5) (Effect of disqualification);
 - (ii) section 72 (Certificate evidence and other evidentiary provisions); or
- (b) the General Regulation, section 9B(1)(b)(ii) (When posted notice taken to be given); or
- (c) the Offences Regulation, section 14H(e) (Sold vehicle declaration—Act, s 21A, def *sold vehicle declaration*, par (c)); or
- (d) the Safety and Traffic Management Act, section 18 (Authority to install etc prescribed traffic control devices); or
- (e) either of the following provisions of the Safety and Traffic Management Regulation:

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- (i) section 66 (Approvals etc by road transport authority);
 - (ii) section 67 (Exemption from requirement about riding on motorbikes).

inclusive provision means:

- (a) the General Act, section 72 (Certificate evidence and other evidentiary provisions);
or
- (b) the Safety and Traffic Management Act, section 18 (Authority to install etc prescribed traffic control devices); or
- (c) the Withdrawal of Infringement Notices Guidelines, Schedule 1, Part 1, item 1.2, column 3.

[Note Specific modifications also apply under Schedule 3 to provisions mentioned in these definitions.]

12 Road transport legislation and applied ACT laws

- (1) A reference to the ***road transport legislation***, other than in an excepted provision, is a reference to this instrument, including the applied ACT parking and traffic legislation in its application in relation to University land under this instrument.
- (2) A reference to an ACT law applied by this instrument in relation to University land is a reference to the ACT law in its application in relation to University land under this instrument.
- (3) In this section:

excepted provision means:

- (a) either of the following provisions of the General Act:
 - (i) section 20(1) (Identity cards);
 - (ii) section 72(1)(h) (Certificate evidence and other evidentiary provisions); or
- (b) either of the following provisions of the Offences Regulation:
 - (i) section 12 (Infringement notices—service if offender known—Act, s 24 (2));
 - (ii) section 14A(1)(c) and (d) (Infringement notices—contents—Act, s 25).

[Note Specific modifications also apply under Schedule 3 to provisions mentioned in this definition.]

13 Working day

A reference to ***working day*** is a reference to a working day as defined by section 5 (Definitions).

Schedule 3—Specific modifications

[Note: See sections 9.]

1 General Act modifications

- (1) The General Act is modified in accordance with this section.
- (2) The reference in section 12(1) (Power to include or exclude areas in road transport legislation) to the application of the road transport legislation, or a provision of the road transport legislation, to an area that is open to or used by the public includes a reference to the application of the road transport legislation or provision to an area of University land, whether or not the area is open to or used by the public, as if the area were a road or road related area or a road or road related area of a stated kind.
- (3) The reference in section 12(3) to a *disallowable instrument* is a reference to a notifiable instrument.
- (4) The note to section 12 is taken to be omitted.
- (5) The reference in section 13(3) (Power to exclude vehicles, persons or animals from road transport legislation) to a *disallowable instrument* is a reference to a notifiable instrument.
- (6) The note to section 13 is taken to be omitted.
- (7) The reference in section 20(1) (Identity cards) to *an authorised person for the road transport legislation, or stated provisions of the road transport legislation*, is a reference to an authorised person for the University.
- (8) The reference in section 20(1)(a) to a *recent photograph* is a reference to a photograph that is not more than 1 year old.
- (9) The following provisions are taken to be omitted:
 - (a) section 26(2)(b)(i) and (ii) (Infringement notice—payment of penalty etc);
 - (b) section 28(2)(b)(i) and (ii) (Action on service of reminder notice—payment of penalty etc);
 - (c) section 30(1) and (3) (Extension of time—guidelines);
 - (d) section 31G(3)(d) and (4) (Application for waiver of penalty—decision);
 - (e) section 36A (Infringement notice—effect of withdrawal on infringement notice plan);
 - (f) section 38(1) and (3) (Infringement notice—guidelines for withdrawal);
 - (g) section 39(1)(a)(ii)(B), (b)(ii)(B) and (c)(ii)(B) (Infringement notice—effect of penalty payment etc);
 - (h) section 53A(2) (Authorised people for infringement notice offences);
 - (i) section 53A(3), definition of *authorised person*, paragraphs (a) and (b)(i)(C) and (ii)(C);
 - (j) section 54 (Delegation of administering authority’s functions);
 - (k) section 56(3)(d) to (i) (Evidentiary certificates).
- (10) The reference in section 72(1)(h) (Certificate evidence and other evidentiary provisions) to any other record kept by the authority under the road transport legislation includes a reference to any record of the University.

2 General Regulation modification

- (1) The General Regulation is modified in accordance with this section.
- (2) The reference in section 9B(1)(b)(ii) (When posted notice taken to be given) to an address for service recorded for a person in a road transport authority record or register includes a reference to any address recorded for the person in the University's records.

3 Offences Regulation modifications

- (1) The Offences Regulation is modified in accordance with this section.
- (2) The following provisions are taken to be omitted:
 - (a) section 4E(a) and (b) (Meaning of *discharge action*—pt 2);
 - (b) section 8 (Administering authority—Act, dict, def *administering authority*).
- (3) A reference in section 12 (Infringement notices—service if offender known—Act, s 24 (2)) to an **address for service** for a person in a record or register kept under the road transport legislation, the *Heavy Vehicle National Law (ACT)* or a corresponding law includes a reference to any address recorded for the person in the University's records.
- (4) Section 12(2)(b)(ii)(B) is modified by inserting 'or the offender has an email address provided by the University and the notice is sent to that address' after 'electronic means'.
- (5) Section 12A(2)(b)(ii)(B) (Infringement notices—service if offender unknown—Act, s 24 (2)) is modified by inserting 'or the responsible person has an email address provided by the University and the notice is sent to that address' after 'electronic means'.
- (6) The reference in section 14A(1)(c) (Infringement notices—contents—Act, s 25) to a **home address** or **address for service** recorded for an individual in a record or register kept under the road transport legislation or a corresponding law includes a reference to any address recorded for the individual in the University's records.
- (7) The reference in section 14A(1)(d) to a corporation's **identifying details** under a record or register kept under the road transport legislation or a corresponding law includes a reference to the identifying details recorded for the corporation in the University's records.
- (8) The following provisions are taken to be omitted:
 - (a) section 14A(2)(a)(ii)(A), (f)(i), (h), (j)(i), (k)(ii)(A) and (l)(i) and (ii) (Infringement notices—contents—Act, s 25);
 - (b) section 14B(1)(m)(ii)(A), (p)(i) and (r)(ii), and (2)(b)(i), (c)(ii)(A) and (d)(i) and (ii) (Reminder notices—contents—Act, s 27 (3));
 - (c) section 14EA (Application for infringement notice management plan or addition to plan—contents—Act, s 31A (4) (b));
 - (d) section 14EB (Minimum amount—Act, s 31B (7) (b));
 - (e) section 15 (Delegation of administering authority's functions—Act, s 54 (1)(b)).

4 Safety and Traffic Management Act modifications

- (1) The Safety and Traffic Management Act is modified in accordance with this section.

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- (2) The reference in section 20(4)(b) (Removal of unauthorised devices) to *the Territory* is, in relation to a device removed by the designated authority or a University authorised person, a reference to the University.
 - (3) A reference in section 21 (Devices generally presumed to be lawfully installed or displayed) or section 22 (Notice of intention to challenge certain issues) to *an offence against this Act* is a reference to an offence against this instrument, including the applied ACT parking and traffic legislation in its application in relation to University land under this instrument.
 - (4) A reference in section 30 (Road or road related area may be closed temporarily to traffic) to a *police officer* includes a reference to a University authorised person.
 - (5) The reference in section 31(2) (Removal of dangers and obstructions to traffic) to *the Territory* is, in relation to action taken by a University authorised person, a reference to the University.
 - (6) A reference in section 32 (Removal of unattended vehicles from certain places) to a *road or road related area* includes a reference to any other area of University land that is not a road or road related area, whether or not the area is open to or used by the public.

5 Safety and Traffic Management Regulation modifications

- (1) The Safety and Traffic Management Regulation is modified in accordance with this section
 - (2) A reference in section 4B (Offences against regulation are strict liability offences) or section 4C (General defence of accident or reasonable effort) to an *offence against this regulation (including the Australian Road Rules)* is a reference to an offence against a provision of that regulation (or those rules) that is a provision of the applied ACT parking and traffic legislation as that provision applies in relation to University land under this instrument.
 - (3) The reference in section 13(1)(a) (ARR r 179 (1) (c)—stopping in a loading zone—goods and permit vehicles) to a *motor vehicle that is built mainly for the transport of goods* is a reference to any motor vehicle.
 - (4) Each reference in section 49A(1) (Ticket parking—display of tickets) to an *RTA multi-stay ticket parking area* is taken to be omitted.
 - (5) Section 49AA(2) (Ticket parking—e-payment) is taken to be omitted.
 - (6) A reference in section 50(c) (Ticket parking—exceptions to s 49A and s 49B) to a *mobility parking scheme authority* includes a reference to a disability permit.
 - (7) Section 50(d)(ii) is modified to read as follows:
 - (ii) a current parking permit of that kind is in force for the vehicle; and
 - (8) A reference in section 56 (Unauthorised use of parking permits and mobility parking scheme authorities) to the conditions of a parking permit or mobility parking scheme authority includes a reference to any limitations of the permit or authority.
 - (9) The reference in section 75A(3) (Parking authorities) to a *disallowable instrument* is a reference to a notifiable instrument.
 - (10) The note to section 75A(3) is taken to be omitted.
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- (11) The reference in section 75B(2) (Parking authority guidelines) to a *disallowable instrument* is a reference to a notifiable instrument.
- (12) The note to section 75B(2) is taken to be omitted.
- (13) Section 76 (Ticket parking schemes—road transport authority) is modified by adding the following subrules at the end:
- (3) To remove any doubt, nothing in this Regulation or the Australian Road Rules prevents a ticket parking scheme from being established or operated (whether under this section or otherwise) for any length of road or area that is, in whole or part, a permit zone under those Rules or prevents a permit zone under the Australian Road Rules being established or operated for any length of road or area that is, in whole or part, a ticket parking area under this Regulation.
- (4) Also, to remove any doubt, nothing in this Regulation prevents the designated authority (or a parking authority) from deciding that fees payable for parking under a ticket parking scheme may only be paid by an approved e-payment method.
- (14) Section 76AA (Approval of e-payment method) is taken to be omitted.
- (15) The reference in section 79 (Ticket machines) to *this division* is a reference to this statute.
- (16) Each reference in section 80(1) (Parking tickets) to a *RTA periodic ticket* is taken to be omitted.
- (17) Section 101B is modified to read as follows:

101B Parking permits—return when cancelled

If a parking permit is cancelled under section 14 (Cancellation of parking permits) of the *Australian National University (Parking and Traffic) Statute 2017*, the person to whom the permit was issued must return the permit to the designated authority as soon as practicable but no later than 15 working days after the date of effect of the cancellation of the permit.

Maximum penalty: 20 penalty units.

- (18) Section 101C is modified to read as follows:

101C Marking tyres by University authorised person etc.

A police officer or University authorised person may mark the tyres on any vehicle using crayon, chalk or a similar substance, or remove and replace a cover placed over all or part of a vehicle, as far as reasonably necessary for the purpose of enforcing a provision of the applied ACT parking and traffic legislation as that provision applies in relation to University land under the *Australian National University (Parking and Traffic) Statute 2017*.

- (19) The definitions of *approved e-payment method* and *parking permit* in the dictionary is taken to be omitted.

6 Australian Road Rules modifications

- (1) The Australian Road Rules are modified in accordance with this section.

(2) Rule 185(1) (Stopping in a permit zone) is modified to read as follows:

(1) A driver must not stop in a permit zone unless a current permit issued under the *Australian National University (Parking and Traffic) Statute 2017* permits the driver's vehicle to stop in the zone. However, to remove any doubt, this subrule does not apply to the driver if the driver stops in a ticket parking space, or on a length of road in a ticket parking area, in the permit zone.

Offence provision.

Note **Driver's vehicle** is defined in the dictionary.

(3) The reference in rule 185(2) to a length of road is a reference to a length of road or an area.

(4) Rule 185 is modified by adding the following subrule at the end:

(3) In this rule:

ticket parking area and **ticket parking space** have the meanings given by the *Road Transport (Safety and Traffic Management Regulation 2000*, dictionary.

(5) The reference in rule 197(1) (Stopping on a path, dividing strip, nature strip or painted island) or rule 289(1) (Driving on a nature strip) to **a nature strip adjacent to a length of road in a built-up area** includes a reference to any other area of University land that is not a road, whether or not the area is open to or used by the public.

(6) The definition of **parking permit for people with disabilities** in the dictionary is taken to include a disability permit.

7 Withdrawal of Infringement Notices Guidelines modifications

(1) The Withdrawal of Infringement Notices Guidelines are modified in accordance with this section.

(2) The definition of **mobility parking scheme authority** in section 5 (Definitions) is taken to include a disability permit.

(3) The reference in Schedule 1, Part 1, item 1.4, column 3, to **section 57 of the Crimes (Sentencing) Act 2005** includes a reference to section 16BA of the *Crimes Act 1914* (Cwlth).

(4) The reference in Schedule 1, Part 1, item 1.4, column 3, to **any offence mentioned in section 29 of the Crimes Act 1900** were omitted.

(5) The reference in Schedule 1, Part 1, item 1.8, column 3, to **Section 53(5)** is a reference to section 53(5) of the General Act in its application in relation to University land under this instrument.

(6) The reference in Schedule 1, Part 2, item 2.1, column 3, to a parking permit or parking ticket not being properly displayed is a reference to a parking permit or parking ticket not being correctly displayed if the display of the permit or ticket was required under this instrument or, for a parking permit, a condition of the permit.