

# **THE AUSTRALIAN NATIONAL UNIVERSITY**

## **Australian National University (Parking and Traffic) Statute 2019**

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The Council of the University makes the following statute.

Dated 6 December 2019

Professor the Hon Gareth Evans AC QC FASSA FAIIA  
Chancellor

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## Part 1—Preliminary

### 1 Name

This is the *Australian National University (Parking and Traffic) Statute 2019*.

### 2 Commencement

This instrument commences on 1 January 2020.

### 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 section 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*.

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## 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 (Authorised people).

**ACT law** means an ACT or statutory instrument.

[Note: The ACT Legislation Act, section 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
- Road Rules Regulation
- Extension of Time Guidelines
- Waiver of Infringement Notice Penalties Guidelines
- 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](http://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).

**Commonwealth Criminal Code** means the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* (Cwlth).

**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.

**Extension of Time Guidelines** means the *Road Transport (General) Extension of Time Guidelines 2019 (No 1)* (ACT).

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*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.).

*Road Rules Regulation* means the *Road Transport (Road Rules) Regulation 2017* (ACT).

*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 2017* (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.

*Waiver of Infringement Notice Penalties Guidelines* means the *Road Transport (General) Waiver of Infringement Notice Penalties Guidelines 2019 (No 1)* (ACT).

*Withdrawal of Infringement Notices Guidelines* means the *Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019 (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.

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[Note: The ACT Legislation Act, section 13 defines ‘statutory instrument’. That definition applies in relation to this instrument (see section 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 1 November 2019 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.



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## 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) and is not inconsistent with this instrument;
  - (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) and is not inconsistent with this instrument.

#### Example for paragraph (c)

The ACT Legislation Act, section 133 defines the term ‘penalty unit’ 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 section 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.

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## 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 section 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 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 Road Rules Regulation, dictionary.

**eligible person:** see subsection (11).

**length**, of road: see the Road Rules Regulation, dictionary.

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

**road** includes a road related area.

[Note: See the Safety and Traffic Management Regulation, section 7 (Meaning of road).]

**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 written 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.
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[Note: The permit holder must return the parking permit to the designated authority: see the Safety and Traffic Management Regulation, section 67 as it applies under this instrument (see especially the modification in 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.

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## 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.

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***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.

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## 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 section 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 11 (Prescribed traffic control devices—Act, dict, def *prescribed traffic control device*) prescribes the things that



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are prescribed traffic control devices. These include ‘traffic control devices’ and ‘traffic-related items’ that have effect for certain provisions of the Road Rules Regulation. These terms are defined in the Road Rules Regulation, 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.

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## 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 Road Rules Regulation, 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 Road Rules Regulation, 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 Road Rules Regulation.

### 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.

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## 23 Approved forms

- (1) The designated authority may, in writing, approve forms for or in connection with this instrument.
- (2) If the designated authority approves a form to be used for a particular purpose for or in connection with this instrument, 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) Substantial compliance with an approved form is sufficient.
- (6) However, an approved form is properly completed only if each mandatory requirement applying to the form is complied with.
- (7) For subsection (6), a **mandatory requirement** is any requirement that the form states is a mandatory requirement.
- (8) Without limiting subsection (7), an approved form may state that any of the following requirements is a mandatory requirement:
  - (a) that the form be signed or witnessed, or signed and witnessed in a particular way;
  - (b) that the form, or information or a document given with or attached to the form, be in a particular format (for example, in writing or a particular electronic format);
  - (c) that particular information be included in the form, or a particular document be given with or attached to the form;
  - (d) that the form, information in the form, or a document given with or attached to the form, be verified in a particular way (for example, by statutory declaration).
- (9) 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 an address of the individual (including, for example, any semester, work 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

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- (ii) in any case—an email address shown in the University’s records as an email address of the individual (including, for example, any personal or work email address).
- (3) A document served by post on an individual under subsection (2)(b) is taken to have been served on the day 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 University legislation or 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 and subdelegation of designated authority’s functions

- (1) In this section:
- eligible entity** means any of the following:
- (a) an officer or member of staff of the University;
  - (b) a body or other entity of the University;
  - (c) if authorised under arrangements with the ACT—an authority, officer, employee or contractor of the ACT.
- (2) The designated authority may, in writing, delegate any or all of the authority’s functions under this instrument to an eligible entity.
- (3) If, under subsection (2), the designated authority delegates a function to an eligible entity:
- (a) the eligible entity may, in writing, subdelegate the function to another eligible entity; and
  - (b) the function may, in writing, be further subdelegated to a different eligible entity (or successively further subdelegated to different eligible entities);
- if the delegation states that the function is a function that may be subdelegated and any conditions, limitations or directions stated in the delegation for the subdelegation or further subdelegation of the function are complied with.
- (4) In exercising functions under a delegation or subdelegation, the delegate or subdelegate must comply with any directions of the designated authority and, for a subdelegation, the subdelegator of the function.
- (5) The following sections of the *Acts Interpretation Act 1901* (Cwlth) apply, with all necessary changes, in relation to a subdelegation in a corresponding way to the way in which they apply in relation to a delegation:
- (a) section 34AA (Delegation to persons holding, occupying or performing the duties of an office or position);
  - (b) section 34AB (Effect of delegation);

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- (c) section 34A (Exercise of powers and performance of functions or duties that depend upon the opinion etc. of delegates).

## **26 Repeal**

The *Australian National University (Parking and Traffic) Statute 2017* is repealed.

## **27 Transitional**

- (1) This instrument (other than subsections (2) and (3)) does not apply to an act or omission that happened before the commencement of this instrument.
- (2) Despite the repeal of the *Australian National University (Parking and Traffic) Statute 2017*, 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:
  - (a) the *Australian National University (Interpretation) Statute 2017*, section 9 (Amendment of statutes); or
  - (b) the *Acts Interpretation Act 1901* (Cwlth), section 7 (Effect of repeal or amendment of Act).

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# 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.

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

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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 demerit points);
  - (d) dictionary.
- 

- 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) the following provisions of Part 1 (Preliminary):
    - (i) section 6 (Offences against regulation—defence);
    - (ii) section 7 (Meaning of *road*);
  - (b) Part 4 (Traffic control devices);
  - (c) Part 6 (Traffic management);
  - (d) the following provisions of Part 7 (Parking):
    - (i) Division 7.2 (Ticket parking schemes);
    - (ii) section 66 (Parking permits and mobility parking scheme authorities—return when cancelled);
    - (iii) Division 7.5 (Other parking provisions);
  - (e) Part 10 (Transitional);
  - (f) dictionary.
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- 6 The following provisions of the Road Rules Regulation:
- (a) the following provision of Part 1 (Preliminary):
    - (i) section 8 (Offences against regulation—strict liability);
    - (ii) section 9 (Offences against regulation—defence);
    - (iii) section 10 (Objects of regulation);
  - (b) Part 2 (Application of this regulation);
  - (c) the following provisions of Part 8 (Traffic signs and road markings):
    - (i) Division 8.1 (Traffic signs and road markings at intersections and other places);
    - (ii) Division 8.2 (Traffic signs and road markings generally);
  - (d) Division 11.8 (Motor vehicles passing bicycle riders);
  - (e) Part 12 (Restrictions on stopping and parking);
  - (f) Part 14 (Rules for pedestrians);
  - (g) Part 15 (Additional rules for bicycle riders);
  - (h) Part 16 (Rules for people travelling in or on vehicles);
  - (i) the following provisions of Part 18 (Miscellaneous road rules):
    - (i) section 288 (Driving on path);
    - (ii) section 289 (Driving on nature strip);
    - (iii) section 290 (Driving on traffic island);
    - (iv) section 291 (Making unnecessary noise or smoke);
    - (v) section 291A (Making unnecessary engine noise);
    - (vi) section 293 (Removing fallen etc things from the road);
    - (vii) section 298 (Driving with person in trailer);
    - (viii) section 300A (Interrupting funeral procession etc);
    - (ix) section 300B (Driving on road closed to traffic);
    - (x) section 303A (Emission of waste oil or grease);
    - (xi) 303B (Safety of person on trailer);
    - (xii) section 304 (Directions by police officer or authorised person);
  - (j) Part 19 (Exemptions);
  - (k) Part 20 (Traffic control devices and traffic-related items);
  - (l) Part 21 (General);
  - (m) Schedule 1 (Abbreviations and symbols);
  - (n) Schedule 2 (Standard or commonly used traffic signs);
  - (o) Schedule 3 (Other permitted traffic signs);
  - (p) Schedule 4 (Symbols and other traffic-related items);
  - (q) dictionary.
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- 7 All of the provisions of the following:
- (a) the Extension of Time Guidelines;
  - (b) the Waiver of Infringement Notice Penalties Guidelines;
  - (c) the Withdrawal of Infringement Notices Guidelines.
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## Schedule 2—General modifications

[Note: See section 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) either of the following provisions of the Road Rules Regulation:
- (i) section 304 (Direction by police officer or authorised person);
  - (ii) section 346A (Preventing prescribed traffic control device 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.

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## 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);
- (b) the General Regulation, section 9B(1)(b)(ii) (When posted notice taken to be given); or
- (c) the Safety and Traffic Management Act, section 18 (Authority to install etc prescribed traffic control devices); or

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- (d) the Road Rules Regulation, section 309A (Exemption from requirement about riding on motorbike); or
  - (e) the Safety and Traffic Management Regulation, section 73 (Approvals etc by road transport authority).

***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.

[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).

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## Schedule 3—Specific modifications

[Note: See section 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, and whether or not the area is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles, 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 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 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 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 31I (1) and (3) (Guidelines for waiver of penalty).
- (10) The note to section 35(2) (Application for withdrawal—decision) is modified to read as follows:

*Note* Giving false or misleading information, or producing a false or misleading document, may be a criminal offence against the Commonwealth Criminal Code.
- (11) The following provisions are omitted:
  - (a) section 36A (Infringement notice—effect of withdrawal on infringement notice plan);
  - (b) section 38(1) and (3) (Infringement notice—guidelines for withdrawal);
  - (c) section 39(1)(a)(ii)(B), (b)(ii)(B) and (c)(ii)(B) (Infringement notice—effect of penalty payment etc).

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- (12) The reference in the note to section 53AA (Presumption against responsible person) to the *Criminal Code, s 59 (c)* is a reference to the Commonwealth Criminal Code, section 13.4(c).
- (13) The following provisions are omitted:
- (a) section 53(3)(a)(ii) and (iii) (Procedure if liability disputed);
  - (b) section 53A(2) (Authorised people for infringement notice offences);
  - (c) section 53A(3), definition of *authorised person*, paragraphs (a) and (b)(i)(C) and (ii)(C).
- (14) Section 54 (Delegation of administering authority's functions) is omitted.
- (15) The note to section 55 is modified to read as follows:
- Note* Giving false or misleading information, or producing a false or misleading document, may be a criminal offence against the Commonwealth Criminal Code.
- (16) Section 56(3)(d) to (i) (Evidentiary certificates) is omitted.
- (17) The note to section 58(2) (Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider) is modified to read as follows:
- Note* Giving false or misleading information, or producing a false or misleading document, may be a criminal offence against the Commonwealth Criminal Code.
- (18) The reference in the note to section 58(4) to the *Criminal Code, s 59* is a reference to the Commonwealth Criminal Code, section 13.4.
- (19) 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 modifications

- (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) The definition of *parking permit* in the dictionary is omitted.

## 3 Offences Regulation modifications

- (1) The Offences Regulation is modified in accordance with this section.
- (2) The following provisions are omitted:
  - (a) section 4E, definition of *discharge action*, paragraphs (a) and (b) (Meaning of *discharge action*—pt 2);
  - (b) section 8 (Administering authority—Act, dict, def *administering authority*).
- (3) The reference in section 12(2)(b)(i)(B) (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.

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- (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) The reference in section 12A(2)(b)(i)(B) (Infringement notices—service if offender unknown—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.
- (6) Section 12A(2)(b)(ii)(B) 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’.
- (7) 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.
- (8) 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.
- (9) The following provisions are omitted:
- (a) section 14A(2)(a)(ii)(A), (f)(i), (h), (j)(i), (k)(ii)(A) and (l)(i) and (ii);
  - (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)).
- (10) The notes to sections 14F to 14I (which are about infringement notice declarations) are modified to read as follows:
- |             |  |
|-------------|--|
| <i>Note</i> | Giving false or misleading information, or producing a false or misleading document, may be a criminal offence against the Commonwealth Criminal Code. |
|-------------|--|
- (11) The following provisions are omitted:
- (a) section 14J (Contents of suspension warning notice—Act, s 42 (2) (a) (iii));
  - (b) section 14K (Contents of suspension confirmation notice—Act, s 42 (4) (d));
  - (c) section 14L (Content of suspension notice—Act, s 44 (3) (c));
  - (d) 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.
- (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
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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, and whether or not the area is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles.

## 5 Safety and Traffic Management Regulation modifications

- (1) The Safety and Traffic Management Regulation is modified in accordance with this section
- (2) The reference in section 6 (Offences against regulation—defence) to an **offence against this regulation** is a reference to an offence against a provision of the Safety and Traffic Management Regulation 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 the note to section 6 to the **Criminal Code, s 59** is a reference to the Commonwealth Criminal Code, section 13.4.
- (4) The reference in section 33(3) (Parking authorities) to a **disallowable instrument** is a reference to a notifiable instrument.
- (5) The note to section 33(3) is omitted.
- (6) The reference in section 34(2) (Parking authority guidelines) to a **disallowable instrument** is a reference to a notifiable instrument.
- (7) The note to section 34(2) is omitted.
- (8) Section 35 (Ticket parking schemes—road transport authority) is modified by adding the following subsections at the end:
  - (3) To remove any doubt, nothing in this regulation or the Road Rules Regulation 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 the Road Rules Regulation or prevents a permit zone under the Road Rules Regulation 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.
- (9) Section 36 (Approval of e-payment method) is omitted.



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- (10) The reference in section 40 (Ticket machines) to **this division** is a reference to this instrument.
  - (11) Each reference in section 41(1) (Parking tickets) to a **RTA periodic ticket** is omitted and all necessary consequential changes are taken to be made in the subsection.
  - (12) Section 41(3) is omitted.
  - (13) The reference in section 45 (Additional police powers—removing cars from ticket parking areas) to a **police officer** includes a reference to a University authorised person.
  - (14) Section 67(1) (Parking permits and mobility parking scheme authorities—return when cancelled) is modified to read as follows:
    - (1) If a parking permit is cancelled under section 14 (Cancellation of parking permits) of the *Australian National University (Parking and Traffic) Statute 2019*, 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.
  - (15) Section 68 (Marking tyres by parking inspectors—Act, s 43) is modified to read as follows:

#### **68 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 2019*.

- (16) The definitions of **approved e-payment method** and **parking permit** in the dictionary are omitted.

## **6 Road Rules Regulation modifications**

- (1) The Road Rules Regulation is modified in accordance with this section.
- (2) A reference in section 8 (Offences against regulation—strict liability) or section 9 (Offences against regulation—defence) to an **offence against this regulation** is a reference to an offence against a provision of the Road Rules Regulation 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 179(1)(c) (Stopping in loading zone) to a **motor vehicle that is built mainly for the transport of goods** is a reference to any motor vehicle.
- (4) Section 185(1) (Stopping in permit zone) is modified to read as follows:

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## 185 Stopping in permit zone

- (1) A driver must not stop in a permit zone unless a current permit issued under the *Australian National University (Parking and Traffic) Statute 2019* permits the driver's vehicle to stop in the zone.

Maximum penalty: 20 penalty units.

- (2) To remove any doubt, this section 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.

- (3) In this rule:

*permit zone* means a length of road or area to which a permit zone sign applies.

- (5) A reference in section 197(1) (Stopping on path, dividing strip, nature strip, painted island or traffic island) to *a nature strip adjacent to a length of road in a built-up area* (however described) 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 and whether or not the area is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles.
- (6) Each reference in section 213K(1) (Ticket parking—display of tickets) to an *RTA multi-stay ticket parking area* is omitted and all necessary consequential changes are taken to be made in the subsection.
- (7) The reference in section 213N(1)(c)(ii) (Ticket parking—exceptions to s 213K and s 213M) to a *mobility parking scheme authority* includes a reference to a disability permit.
- (8) Section 213N(1)(d)(ii) is modified to read as follows:
- (ii) a current parking permit of that kind is in force for the vehicle; and
- (9) A reference in section 213T (Unauthorised use of parking permit and mobility parking scheme authority) to a *mobility parking scheme authority* includes a reference to a disability permit.
- (10) A reference in section 213T to the conditions of a parking permit or mobility parking scheme authority includes a reference to any limitations of the permit or authority.
- (11) A reference in section 289(1) (Driving on nature strip) to *a nature strip adjacent to a length of road in a built-up area* (however described) 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 and whether or not the area is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles.
- (12) The definitions of *approved e-payment method* and *parking permit* in the dictionary are omitted.
- (13) The definition of *parking permit for people with disabilities* in the dictionary is taken to include a disability permit.

## 7 Extension of Time Guidelines modifications

- (1) The Extension of Time Guidelines are modified in accordance with this section.
- (2) The definition of *Administering authority* in section 4 is omitted.
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- (3) Provisions about, or as far as they relate to, infringement notice management plans are taken to be omitted.

## **8 Waiver of Infringement Notice Penalties Guidelines modifications**

- (1) The Waiver of Infringement Notice Penalties Guidelines are modified in accordance with this section.
- (2) The definition of *Administering authority* in section 4 is omitted.
- (3) Provisions about, or as far as they relate to, the following matters are taken to be omitted:
- (a) infringement notice management plans (including approved community work and social development programs);
  - (b) internal review;
  - (c) the ACT Civil and Administrative Tribunal (ACAT).

## **9 Withdrawal of Infringement Notices Guidelines modifications**

- (1) The Withdrawal of Infringement Notices Guidelines are modified in accordance with this section.
- (2) The definitions of *Administering authority* and *Infringement notice management plan* in section 4 are omitted.
- (4) Provisions about, or as far as they relate to, the following matters are taken to be omitted:
- (a) infringement notice management plans (including approved community work and social development programs);
  - (b) internal review;
  - (c) the ACT Civil and Administrative Tribunal (ACAT);
  - (d) the making of applications for withdrawal of an infringement notice online;
  - (e) particular kinds of parking permits (other than mobility parking scheme authorities) that are not issued under this instrument;
  - (f) public passenger ticketing and conduct offences.
- (3) A reference in schedule 1 of the guidelines to a parking permit or parking ticket being correctly displayed is a reference to a parking permit or parking ticket 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.
- (4) A reference in schedule 1 of the guidelines to *a receipt from an authorised smart phone application*, or to *a receipt from an authorised application*, is a reference to a record of payment made using an approved e-payment system.
- (5) A reference in schedule 1 of the guidelines to a *mobility parking scheme authority* includes a reference to a disability permit.
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