



Australian Capital Territory National Land (Road Transport) Ordinance 2014

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 17 February 2014

Quentin Bryce
Governor-General

By Her Excellency's Command

Jamie Briggs
Assistant Minister for Infrastructure and Regional Development

OPC50343 - B

Contents

Part 1—Preliminary	1
1 Name of Ordinance.....	1
2 Commencement.....	1
3 Authority	1
4 Simplified outline of this Ordinance.....	1
5 Definitions.....	1
6 Application of Ordinance	3
Part 2—Road transport on National Land	4
7 ACT road transport legislation applies to National Land	4
8 NCA chief executive to administer ACT paid parking legislation applying on National Land.....	4
9 Administrative arrangements with ACT.....	5
Part 3—Miscellaneous	6
10 Authorised people.....	6
11 Rule-making power	6
Schedule 1—ACT paid parking legislation	7
1 ACT paid parking legislation.....	7
Schedule 2—ACT paid parking support legislation	8
1 ACT paid parking support legislation.....	8

Part 1—Preliminary

1 Name of Ordinance

This Ordinance is the *National Land (Road Transport) Ordinance 2014*.

2 Commencement

This Ordinance commences on the day after it is registered.

3 Authority

This Ordinance is made under the *Seat of Government (Administration) Act 1910*.

4 Simplified outline of this Ordinance

This Ordinance applies ACT laws relating to road transport to National Land, so far as the laws are not inconsistent with this Ordinance or a rule under this Ordinance.

However, under this Ordinance the NCA chief executive rather than the ACT is responsible for administering certain of those laws (generally about paid parking) in their application to National Land, and certain ACT laws (as modified under this Ordinance) apply in relation to that administration.

Also, a rule under this Ordinance may modify the application to National Land of any ACT law relating to road transport.

5 Definitions

In this Ordinance:

ACT means the Australian Capital Territory.

ACT law means:

Section 5

- (a) a law of the ACT; or
- (b) a provision of that law; or
- (c) an instrument, or a provision of an instrument, that:
 - (i) is in force under, or incorporated into, that law; or
 - (ii) is incorporated into an instrument to which subparagraph (i) applies.

ACT paid parking legislation means the following:

- (a) the ACT laws mentioned in Schedule 1;
- (b) any other ACT law that is declared by rule to be part of the ACT paid parking legislation;
- (c) any ACT law so far as it gives meaning to, or limits or extends the meaning of, a term used in the laws mentioned in paragraphs (a) and (b);

but does not include an ACT law to which paragraph (a) applies that is declared by rule not to be part of the ACT paid parking legislation.

Note: An example of paragraph (c) is section 133 of the *Legislation Act 2001* (ACT) which explains the meaning of the term *penalty unit*.

ACT paid parking support legislation means the following:

- (a) the ACT laws mentioned in Schedule 2;
- (b) any other ACT law that is declared by rule to be part of the ACT paid parking support legislation;
- (c) any ACT law so far as it gives meaning to, or limits or extends the meaning of, a term used in the laws mentioned in paragraphs (a) and (b);

but does not include an ACT law to which paragraph (a) applies that is declared by rule not to be part of the ACT paid parking support legislation.

ACT road transport legislation means the following:

- (a) the ACT laws that form part of the road transport legislation within the meaning of section 6 of the *Road Transport (General) Act 1999* (ACT);
- (b) any other ACT law that is declared by rule to be part of the ACT road transport legislation;

but does not include an ACT law to which paragraph (a) applies that is declared by rule not to be part of the ACT road transport legislation.

authorised person means:

- (a) a person who holds an appointment under section 10; or
- (b) a person prescribed by rule.

National Land means land that is National Land under the *Australian Capital Territory (Planning and Land Management) Act 1988*.

NCA chief executive means the Chief Executive of the National Capital Authority under the *Australian Capital Territory (Planning and Land Management) Act 1988*.

Ordinance includes a provision of this Ordinance.

rule means a rule under this Ordinance, and includes a provision of a rule.

6 Application of Ordinance

- (1) This Ordinance applies to National Land.
- (2) However, this Ordinance does not apply to particular National Land if a rule declares that this Ordinance does not apply to that land.

Part 2—Road transport on National Land

7 ACT road transport legislation applies to National Land

- (1) The ACT road transport legislation applies to National Land, so far as it is not inconsistent with this Ordinance or a rule.
- (2) To avoid doubt, this section does not limit the application of the ACT road transport legislation to land that is not National Land.

8 NCA chief executive to administer ACT paid parking legislation applying on National Land

- (1) The NCA chief executive is responsible for administering the ACT paid parking legislation in its application to National Land.
- (2) In relation to the application of the ACT paid parking legislation to National Land:
 - (a) the ACT paid parking legislation is taken to be modified as follows:
 - (i) a reference to the road transport authority is a reference to the NCA chief executive;
 - (ii) a reference to an authorised person is a reference to an authorised person as defined in section 5; and
 - (b) the ACT paid parking support legislation is taken to be modified as follows:
 - (i) a reference to the road transport authority, or administering authority, includes a reference to the NCA chief executive;
 - (ii) a reference to an authorised person includes a reference to an authorised person as defined in section 5;
 - (iii) a reference to the Minister includes a reference to the Minister responsible for administering this Ordinance;
 - (iv) a reference to a director-general includes a reference to the Secretary of the Department; and

- (c) any other modifications to the ACT paid parking legislation, or the ACT paid parking support legislation, that are prescribed by rule are taken to be made.

9 Administrative arrangements with ACT

- (1) The NCA chief executive may enter into arrangements with the ACT in relation to the administration of the ACT road transport legislation in its application to National Land.
- (2) Without limiting subsection (1), an arrangement may provide for the exercise of powers or the performance of functions or duties by the ACT (or its authorities, officers or employees) on behalf of the NCA chief executive.

Part 3—Miscellaneous

10 Authorised people

- (1) The NCA chief executive may appoint a person to be an authorised person for this Ordinance.
- (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 NCA chief executive 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 powers of an authorised person that are proposed to be given to the person.

11 Rule-making power

- (1) The Minister may make rules prescribing matters:
 - (a) required or permitted by this Ordinance to be prescribed by rule; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.
- (2) Without limiting subsection (1), a rule may declare:
 - (a) National Land to be a road or road related area; or
 - (b) that a provision of the ACT road transport legislation:
 - (i) applies to National Land with stated modifications; or
 - (ii) does not apply to National Land.
- (3) A rule is a legislative instrument.

Schedule 1—ACT paid parking legislation

Note: See the definition of *ACT paid parking legislation* in section 5.

1 ACT paid parking legislation

The ACT laws mentioned in the following table are included in the ACT paid parking legislation for this Ordinance.

ACT paid parking legislation	
Item	ACT laws
1	The following provisions of the <i>Road Transport (Safety and Traffic Management) Regulation 2000</i> : <ul style="list-style-type: none"> (a) section 46 (Temporary closure of metered parking spaces); (b) section 51 (Temporary closure of ticket parking spaces and areas); (c) section 72 (Metered parking schemes); (d) section 73 (Metered parking areas); (e) section 75A (Parking authorities); (f) section 75B (Parking authority guidelines); (g) section 76 (Ticket parking schemes—road transport authority); (h) section 80 (Parking tickets); (i) section 98 (Overlapping schemes).

Schedule 2—ACT paid parking support legislation

Note: See the definition of *ACT paid parking support legislation* in section 5.

1 ACT paid parking support legislation

The ACT laws mentioned in the following table are included in the ACT paid parking support legislation for this Ordinance.

ACT paid parking support legislation	
Item	ACT laws
1	The following provisions of the <i>Road Transport (Safety and Traffic Management) Act 1999</i> : (a) section 18 (Authority to install etc prescribed traffic control devices); (b) section 20 (Removal of unauthorised devices).
2	The following provisions of the <i>Road Transport (Safety and Traffic Management) Regulation 2000</i> : (a) section 64 (Preventing prescribed traffic control devices being clearly visible); (b) section 68 (Defence of complying with direction of police officer or authorised person); (c) section 71 (Stopping and parking exemption for police and emergency vehicles and authorised people); (d) section 100 (Parking permits); (e) section 101A (Parking permits and mobility parking scheme authorities—cancellation); (f) section 101B (Parking permits and mobility parking scheme authorities—return when cancelled); (g) section 101C (Marking tyres by parking inspectors).
3	The following provisions of the <i>Road Transport (General) Act 1999</i> : (a) section 20 (Identity cards); (b) section 21 (Power not to be exercised before identity card shown); (c) section 24 (Infringement notices); (d) section 26 (Infringement notice—payment of penalty etc);
8	<i>National Land (Road Transport) Ordinance 2014</i> OPC50343 - B

ACT paid parking support legislation**Item ACT laws**

- (e) section 27 (Reminder notice—service and contents);
- (f) section 28 (Action on service of reminder notice—payment of penalty etc);
- (g) section 29 (Extension of time to do things);
- (h) Division 3.2A (Infringement notice management plans);
- (i) Division 3.2B (Waiver of infringement notice penalties), other than subsection 31G(4);
- (j) Division 3.3 (Infringement notice offences involving registrable vehicles—responsible person’s liability), other than section 38 (Infringement notice—guidelines for withdrawal);
- (k) section 44 (Suspension for nonpayment of infringement notice penalties);
- (l) section 44A (Suspension for non-compliance with infringement notice management plan);
- (m) section 47 (Revocation of suspension—penalty paid, discharged or waived);
- (n) section 47A (Revocation of suspension—management plan being complied with);
- (o) section 51 (Disputing liability for infringement notice offence);
- (p) section 53 (Procedure if liability disputed);
- (q) section 56 (Evidentiary certificates);
- (r) section 58 (Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider);
- (s) section 58B (Police officer or authorised person may direct removal of thing covering person’s face);
- (t) section 60 (Police officer or authorised person may require people to disclose identity of driver);
- (u) section 72 (Certificate evidence and other evidentiary provisions);
- (v) section 90 (Definitions—pt 7);
- (w) section 96 (Determination of fees, charges and other amounts);
- (x) section 225 (Approved forms);
- (y) section 231 (Person not to hinder or obstruct);
- (z) section 232 (False or misleading statements).

4 The following provisions of the *Road Transport (General) Regulation 2000*:

Schedule 2 ACT paid parking support legislation

Clause 1

ACT paid parking support legislation

Item ACT laws

- (a) section 5 (Responsible people for vehicle);
 - (b) section 10 (Certificate evidence—Act, s 72 (3)), other than paragraphs (a) and (b);
 - (c) subsection 13AA(1) (Remission of fees, charges and other amounts—authority);
 - (d) section 13A (Rounding down of fees);
 - (e) section 14 (Refund of fees, charges and other amounts);
 - (f) Part 1.5 of Schedule 1 (Road Transport (General) Act 1999);
 - (g) Part 1.6C of Schedule 1 (Road Transport (Offences) Regulation 2005);
 - (h) Part 1.9 of Schedule 1 (Road Transport (Safety and Traffic Management) Regulation 2000), other than items 1 to 3 and 12.
-

- 5 The following provisions of the *Road Transport (Offences) Regulation 2005*:
- (a) section 4D (Identifying particulars for authorised person for infringement notice offence—pt 2);
 - (b) section 4E (Meaning of *discharge action*—pt 2);
 - (c) section 8 (Administering authority—Act, dict, def *administering authority*);
 - (d) section 11 (People authorised for infringement notices etc to have unique number);
 - (e) section 12 (Infringement notices—service—Act, s 24 (2));
 - (f) section 14 (Infringement notices—service on nominated person—Act, s 24 (2));
 - (g) section 14A (Infringement notices—contents—Act, s 25);
 - (h) section 14B (Reminder notices—contents—Act, s 27 (3));
 - (i) section 14C (Extension of time—application within time—Act, s 29 (5));
 - (j) section 14D (Extension of time—application out-of-time—Act, s 29 (5));
 - (k) section 14E (Maximum amount of extended time allowed—Act, s 29 (5));
 - (l) section 14H (Sold vehicle declaration—Act, s 21A, def *sold vehicle declaration*, par (c));
 - (m) section 16A (Condition applying to plan allowing instalment payments—Act, s 31B (7) (b));
 - (n) section 16B (Payment of amounts under plan—Act, s 31B (7) (c));
-

10 *National Land (Road Transport) Ordinance 2014*
OPC50343 - B

ACT paid parking support legislation

Item ACT laws

- (o) section 16C (Non-compliance with plan allowing payment by instalments—Act, s 44A (9) (a));
 - (p) section 16G (Application for plan allowing participation in approved program—Act, s 31A (4) (d));
 - (q) section 16I (Information to be given to administering authority about participation in an approved program—Act, s 44A (9) (b));
 - (r) section 16J (Content of suspension notice—Act, s 44A (3) (c));
 - (s) Part 1.7 of Schedule 1 (Road Transport (General) Act 1999), other than items 1 to 5, 7, and 10 to 15.
-