

## EXPLANATORY STATEMENT

Issued by the Authority of the Assistant Minister for Infrastructure and Regional Development

*Seat of Government (Administration) Act 1910*

*National Land (Parking) Repeal Ordinance 2014*

### Overview and background

Section 12(1)(d) of the *Seat of Government (Administration) Act 1910* (Act) provides that the Governor-General may make ordinances for the peace, order and good government of the Territory with respect to National Land as defined by the *Australian Capital Territory (Planning and Land Management) Act 1988*.

The *National Land (Parking) Repeal Ordinance 2014* (Ordinance) is made under section 12(1)(d) of the Act. The purpose of the Ordinance is to repeal the *National Land (Parking) Ordinance 1994* (Former Parking Ordinance) and the *National Land (Parking) (Consequential Amendments) Ordinance 1994* (Former Parking Consequential Ordinance) and to make other amendments necessary as a consequence of those repeals.

Under the Former Parking Ordinance, ACT laws with respect to road transport and parking were applied to National Land. However, the National Capital Authority (NCA) as the responsible agency for National Land, was not empowered to implement, administer and enforce pay parking on National Land.

The Former Parking Consequential Ordinance enacted changes to the *National Land Ordinance 1989* and the *Reserved Laws (Administration) Ordinance 1989* as a consequence of the Former Parking Ordinance. The enactment of the *National Land (Road Transport) Ordinance 2014* (Road Transport Ordinance) applies ACT road transport and parking laws to National Land and modifies their application to permit the NCA to be exclusively responsible for the administration of pay parking.

The repeal of the Former Parking Ordinance and the Former Parking Consequential Ordinance and other consequential amendments under the Ordinance are required in order to give effect to the Road Transport Ordinance.

Under the *Australian Capital Territory (Planning and Land Management) Act 1988*, an ordinance has no effect to the extent that it is inconsistent with the National Capital Plan (Plan). The Ordinance is not inconsistent with the Plan.

The Ordinance commenced on the day after it was registered.

The Ordinance is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

## Consultation

The NCA undertook consultation with the relevant ACT agencies as well as with affected members of the community as part of the broader consultation process undertaken in respect of the Road Transport Ordinance.

## Detailed provision by provision description of the Ordinance

### Part 1 – Preliminary

#### **Section 1 - Name of Ordinance**

This section provides that the title of the Ordinance is the *National Land (Parking) Repeal Ordinance 2014*.

#### **Section 2 - Commencement**

This section provides for the Ordinance to commence on the day after it is registered on the Federal Register of Legislative Instruments.

#### **Section 3 – Authority**

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

#### **Section 4 - Schedule(s)**

This section provides that each instrument in a Schedule to the Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned. Any other item in a Schedule to this instrument has effect according to its terms.

### Schedule 1 – Amendments

#### **National Land Ordinance 1989**

##### **Item 1 - Subsection 4(3)**

Section 4(3) of the *National Land Ordinance 1989* is amended by omitting reference to the ‘National Land (Parking) Ordinance 1994’ and substituting it with ‘National Land (Road Transport) Ordinance 2014’.

#### **Reserved Laws (Administration) Ordinance 1989**

##### **Item 2 - Subsection 4(6)**

Section 4(6) of *Reserved Laws (Administration) Ordinance 1989* is amended by omitting reference to the ‘National Land (Parking) Ordinance 1994’ and substituting it with ‘National Land (Road Transport) Ordinance 2014’.

### Schedule 2 – Repeals

#### **National Land (Parking) (Consequential Amendments) Ordinance 1994**

##### **Item 1 – The whole of the Ordinance**

Item 1 of Schedule 2 provides for the repeal of the whole of the *National Land (Parking) (Consequential Amendments) Ordinance 1994*.

### **National Land (Parking) Ordinance 1994**

#### **Item 2 – The whole of the Ordinance**

Item 2 of Schedule 2 provides for the repeal of the whole of the *National Land (Parking) Ordinance 1994*.

## **Regulation Impact Statement**

The Office of Best Practice Regulation advised a Regulation Impact Statement is not required.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

### **National Land (Parking) Repeal Ordinance 2014**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Jamie Briggs**

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