

EXPLANATORY STATEMENT – Parking Authority Rule

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

National Land (Road Transport) Ordinance 2014

Parking Authority Guidelines Rule 2014

Overview and Background

The *National Land (Road Transport) Ordinance 2014* (Ordinance) provides the legislative framework for the management and enforcement of pay parking on National Land.

The Ordinance modifies the application of the ACT road transport and parking laws to permit the NCA chief executive to be exclusively responsible for the administration of pay parking on National Land.

Under Part 3 Miscellaneous, section 11 Rule Making Power, the Minister may make rules prescribing matters that are required, permitted, necessary or convenient for giving effect to the Ordinance.

Under, Section 75A (2) of the *Road Transport (Safety and Traffic Management) Regulation 2000* (ACT) (Regulation) as applied to National Land under the Ordinance, a person may apply to the NCA chief executive to be a parking authority for a stated area and that the NCA chief executive may declare the person to be a parking authority for a stated area. Under Section 75B of the Regulation as applied to National Land under the Ordinance, the NCA chief executive must establish parking authority guidelines.

The *Parking Authority Guidelines Rule 2014* provides for the NCA chief executive to establish guidelines for a Parking Authority to establish and operate a ticket parking scheme for any length of road or area under its control. A Parking Authority is not entitled to provide or charge for parking in a ticketed parking area if it does not comply with these guidelines.

This rule is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (Cth).

The rule commenced on the day after it was registered.

Consultation

The National Capital Authority, as responsible agency for National Land, undertook consultation with the relevant ACT agencies as well as affected members of the community as part of the broader consultation process undertaken in respect of the Ordinance.

Detailed provision by provision description of the Ordinance

Section 1 – Name of Instrument

This section provides that the title of the rule is the *Parking Authority Guidelines Rule 2014*.

Section 2 – Commencement

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

Section 3 – Guidelines

This section provides the guidelines by which the Parking Authority must operate including signs and road markings which must be consistent with the Australian Standards and Australian Road Rules, advice on fees and any changes, enforcement by authorised persons, parking ticket compliance and reporting arrangements for ticket machine malfunctions or changes to the ticketed parking area.

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* (Cth)

Human rights implications

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

Conclusion

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

Jamie Briggs

Assistant Minister for Infrastructure and Regional Development