

EXPLANATORY STATEMENT

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

National Land (Road Transport) Ordinance 2014

Open Areas Parking 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 Australian Capital Territory (ACT) road transport and parking laws to permit the National Capital Authority (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.

The *Open Areas Parking Rule 2014* makes it an offence to park on open areas (such as grassed) or landscaped areas on National Land and permits the issue of infringement notices for a contravention of the rule.

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 NCA, 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.

Section 1 – Name of rule

This section provides that the title of the rule is the *Open Areas Parking 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 – No parking on open or landscaped areas - offence

Section 3(1) provides that a person must not park or stop a vehicle on any open areas (including grassed or landscaped areas) unless signage permits parking.

Section 3(2) defines when a person will have ‘parked’ or ‘stopped’ for the purposes of section 3(1).

Section 3(2) provides that a contravention of section 3(1) is an offence for the purposes of the *Road Transport General Act 1999* (ACT) and the *Road Transport (Offences) Regulation 2005* (ACT), which apply to National Land pursuant to the Ordinance.

Section 3(3) makes clear that an offence against section 3(1) is an infringement notice offence under the *Road Transport (Offences) Regulation 2005*(ACT) as applicable to National Land under the Ordinance. Section 3(3) also confirms who is the administering authority and sets out the applicable offence penalty and infringement penalty.

Regulation Impact Statement

The Office of Best Practice Regulation have 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