

EXPLANATORY STATEMENT

Australian Capital Territory National Land (Road Transport) (Parking Authority Guidelines) Rules 2021

Made under the *National Land (Road Transport) Ordinance 2014* by the Assistant Minister for Regional Development and Territories, and Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development

Legislative authority and context

The *National Land (Road Transport) Ordinance 2014* (Cth) (the Ordinance) provides the legislative framework for the management and enforcement of paid parking on National Land. Section 11 of the Ordinance provides that the Minister may make rules that declare that a provision of the ACT road transport legislation applies to National Land with stated modifications.

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 paid parking on National Land.

Purpose and operation

The *Australian Capital Territory National Land (Road Transport) (Parking Authority Guidelines) Rules 2021* (the Rule) declares sections 33 and 34 of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT) (the STM Regulation) apply to National Land. It also replaces both sections 33(3) and 34(2) to make the declaration and guidelines legislative instruments within the meaning of the *Legislation Act 2003* (Cth).

The Rule is a Legislative Instrument for the purposes of the *Legislative Instruments Act 2003*.

The Rule commences on the day after it is registered on the Federal Register of Legislative Instruments.

Impact and effect

The Rule creates regulatory impacts for parking authorities and does not create any additional impacts for paid parking users.

The Rule declares sections 33 and 34 of the STM Regulation. This allows for a person to be declared a parking authority for a stated area and for the establishment of parking authority guidelines for paid parking on National Land. Any declaration made under the Rule will increase accessibility to the National Cultural Institutions by allowing a parking authority to operate a ticketed parking scheme. The parking authority will have to conform to the parking authority guidelines in order to charge for parking in a ticketed parking area.

Basis for the Rule

The Australian Government's objectives are to align, as far as practicable, with the ACT Government in respect to road transport and parking as well as to ensure accessibility to the National Cultural Institutions. The Ordinance allows for the Minister to make rules that declare that a provision of the ACT road transport legislation applies to National Land with stated modifications.

This instrument aims to increase accessibility to parking by allowing the approval of parking authorities and parking authority guidelines for National Land. This is achieved by declaring sections 33 and 34 of the STM Regulation to enable the approval of parking authorities and the guidelines required for parking authorities to operate a ticketed parking scheme. The Rule achieves this by

providing the NCA Chief Executive with the power to declare a person to be a parking authority and to create parking authority guidelines for National Land in the form of Legislative Instruments.

Regulation Impact Statement

The Office of Best Practice Regulation considers the proposal is likely to have no more than minor regulatory impacts on business, community organisations or individuals. In addition, it understands that the matter will not require consideration by Cabinet, and the preparation of a Regulation Impact Statement is not required.

Conditions to be satisfied

The Ordinance does not specify any conditions that need to be satisfied before the power to make the Rule may be exercised.

Consultation

Consultation was undertaken with the Department of Infrastructure, Transport, Regional Development and Communications, the ACT Government and the High Court of Australia, to ensure the effectiveness of the Rule. Public consultation is not necessary as the amendments are minor and machinery in nature.

ATTACHMENT A

Explanation of provisions

Section 1- Name

This section provides that the name of the Rule is the *Australian Capital Territory National Land (Road Transport) (Parking Authority Guidelines) Rules 2021*.

Section 2- Commencement

This section provides that the Rule commences on the day after the instrument is registered.

Section 3- Authority

This section provides that the Rule is made under the Ordinance.

Section 4- Definitions

Defines expressions and terms used in the Rule.

Section 5- ACT paid parking legislation

This section provides that sections 33 and 34 of the STM Regulation are declared to be part of the ACT paid parking legislation within the meaning of paragraph (b) of the definition found in section 5 of the Ordinance.

Section 6- Parking authorities

This section provides that section 33(3) of the STM Regulation is replaced to allow the declaration to be a Legislative Instrument within the meaning of the *Legislation Act 2003* (Cth).

Section 7- Parking authority guidelines

This section provides that section 34(3) of the STM Regulation is replaced to allow the parking authority guidelines to be a Legislative Instrument within the meaning of the *Legislation Act 2003* (Cth).

ATTACHMENT B

Statement of compatibility with Human Rights

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

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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*.

Overview of the Rule

The purpose of the Rule is to establish sections 33 and 34 of the STM Regulations as ACT paid parking legislation under section 5 of the Ordinance, to allow for the approval of parking authorities and for the establishment of parking authority guidelines for National Land.

The Australian Government aims to maintain consistency with the ACT Government paid parking operations. The ACT currently allows for parking authorities to establish ticketed parking schemes if they comply with the parking authority guidelines. In order to maintain consistency and increase accessibility to the National Cultural Institutions, the Rule will allow for the approval of parking authorities and the establishment of parking authority guidelines.

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.