

## **EXPLANATORY STATEMENT**

### ***Australian Capital Territory National Land (Road Transport) (Parking Permit Fees) Determination 2024***

Made under the *National Land (Road Transport) Ordinance 2014* by the Minister for Regional Development, Local Government and Territories

#### **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.

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.

Section 8 of the Ordinance also modifies the ACT paid parking support legislation for a reference to the Minister to include a reference to the Minister responsible for administering the Ordinance.

Included in schedule 2 of the Ordinance as ACT paid parking support legislation section 96 of the *Road Transport (General) Act 1999* (ACT) ('the General Act') provides that the Minister may determine fees, charges and other amounts payable under road transport legislation.

The General Act has been modified by the *Australian Capital Territory National Land (Road Transport) (Parking Legislation, Fees and Permits) Rules 2021* to allow any determination of fees made by the minister to be a disallowable instrument under the *Legislation Act 2003* (Cth).

#### **Purpose and operation**

The *Australian Capital Territory National Land (Road Transport) (Parking Permit Fees) Determination 2024* ('the Determination') determines the fees payable for the issue of a construction zone parking permit and special event parking permit on a length of road or in an area designated by a permit zone sign for use by holders of that kind of parking permit or in an area determined by the NCA chief executive.

The Determination remakes the *Australian Capital Territory National Land (Road Transport) (Parking Permit Fees) Amendment (Fees) Determination 2023*, which is repealed by the *Australian Capital Territory National Land (Road Transport) (Parking Permit Fees) Determination 2024*. The Determination includes a fee increase of \$0.50 per daily rate applicable from 1 July 2024.

This increase is based on aligning parking fees applicable to parking on National Land with that of rates of parking areas managed by the ACT Government which are in close proximity to National Land. On the introduction of paid parking on National Land in 2014, market rates were the basis of determining fees. This approach is consistent with the Resource Management Guide 302 Australian Government Charging Framework.

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

The Determination commences on 1 July 2024.

### **Impact Analysis Statement**

The Office of Impact Analysis 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 an Impact Analysis Statement is not required.

### **Conditions to be satisfied**

The Ordinance and the General Act does not specify any conditions that need to be satisfied before the power to make the Determination may be exercised.

### **Consultation**

Consultation was undertaken with the relevant ACT Government agencies as well as affected members of the community as part of the broader consultation process undertaken in respect of the Ordinance in 2014. Consultation occurred with central agencies as part of the 2018-19 budget process.

## **ATTACHMENT A**

### **Explanation of provisions**

#### **Section 1- Name**

This section provides that the name of the Determination is the *Australian Capital Territory National Land (Road Transport) (Parking Permit Fees) Determination 2024*.

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

This section provides that the Determination commences on 1 July 2024.

#### **Section 3- Authority**

This section provides that the Determination is made under section 96 of the *Road Transport (General) Act 1999* (ACT), as applied by the *National Land (Road Transport) Ordinance 2014* and as modified by that Ordinance and the *Australian Capital Territory National Land (Road Transport) (Parking Legislation, Fees and Permits) Rules 2023*.

#### **Section 4- Definitions**

Defines expressions and terms used in the Determination.

#### **Section 5- Fees, charges and other amounts**

This section provides the fees, charges or other amounts payable for the issue of a parking permit.

## **ATTACHMENT B**

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

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

### **Australian Capital Territory National Land (Road Transport) (Parking Fees) Determination 2023**

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 Determination**

The purpose of the Determination is to set out the fees, charges, and other amounts payable for use the issue of a construction or special event parking permit for National Land.

The Australian Government aims to maintain consistency with the ACT Government paid parking operations. In order to maintain consistency and increase accessibility to the National Cultural Institutions, the Determination includes a \$0.50 per daily rate increase from the 2023 fees.

#### **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.