

Explanatory Statement

Issued by the Authority of the Minister for Regional Development, Local Government and Territories

Seat of Government (Administration) Act 1910

Australian Capital Territory National Land (Road Transport) (Repeal and Consequential Amendments) Ordinance 2025

Authority

The *Australian Capital Territory National Land (Road Transport) (Repeal and Consequential Amendments) Ordinance 2025* (Ordinance) is made under paragraph 12(1)(d) the *Seat of Government (Administration) Act 1910* (SOG Administration Act). Paragraph 12(1)(d) of that Act provides that the Governor-General may make Ordinances for the peace, order and good government of the Australian Capital Territory (ACT) with respect to National Land as defined by the *Australian Capital Territory (Planning and Land Management) Act 1988* (PALM Act).

Purpose

The purpose of the Ordinance is to repeal the *National Land (Road Transport) Ordinance 2014* (old Ordinance), which is being replaced by the *Australian Capital Territory National Land (Road Transport) Ordinance 2025* (Principal 2025 Ordinance), and to update references from the old Ordinance to the Principal 2025 Ordinance in other ordinances.

The Principal 2025 Ordinance remakes the old Ordinance, which is due to sunset on 1 April 2026 in accordance with the *Legislation (Deferral of Sunsetting-National Land (Road Transport) Ordinance) Certificate 2024*.

Background

The Ordinance serves as a technical accompaniment of the Principal 2025 Ordinance which enables the application, with or without modification, of laws of the ACT relating to road transport and parking to the National Land.

National Land is defined by section 27 of the PALM Act. National Land is land within the ACT that the Commonwealth continues to manage following the establishment of ACT self-government. The National Capital Authority (NCA) is established by that Act and one of its functions is, with the approval of the Minister administering that Act, on behalf of the Commonwealth, to manage National Land designated as land required for the special purposes of Canberra as the National Capital (see section 5 and paragraph 6(1)(g) of that Act) (also referred to as the National Capital Estate).

Pay parking was introduced to the National Capital Estate in 2014 and applies to around 9,000 car parks on National Land in Parkes, Barton, Acton, and the Russell precinct. Prior to its introduction, an Intergovernmental Committee on Parking was established in 2009 and public consultation commenced in 2010. The Intergovernmental Committee on Parking explored the issues surrounding parking management in central Canberra, including parking supply and demand. The work of the Intergovernmental Committee revealed that, while

planning policies used to guide development of the National Capital Estate provided enough car parking spaces to meet commuter demand, restrictions on access to the available parking resulted in an undersupply of publicly available car parks. Consequently, pay parking was introduced as a parking management practice.

The issues impacting access to available parking spaces revealed by the Intergovernmental Committee on Parking still exist today and therefore pay parking on National Land is maintained as a parking management practice.

Under the SOG Administration Act, an Ordinance under that Act has no effect to the extent that it is inconsistent with the National Capital Plan in effect under the PALM Act. The Ordinance is not inconsistent with the National Capital Plan.

Summary of the Ordinance

The Ordinance repeals the old Ordinance and amends references to the old Ordinance to instead refer to the remade Principal 2025 Ordinance.

The Ordinance is a legislative instrument for the purposes of the *Legislation Act 2003* and is subject to sunseting under Part 4 of Chapter 3 of that Act. The Ordinance is also subject to disallowance under Part V of the SOG Administration Act.

The Ordinance commences at the same time as the Principal 2025 Ordinance, which commences on 1 April 2025.

Details of the Ordinance are set out in Attachment A.

Consultation

The Minister is satisfied that consultation was undertaken to the extent appropriate and reasonably practicable, in accordance with section 17 of the *Legislation Act 2003*.

This Ordinance facilitates the making of the Principal 2025 Ordinance by repealing the old Ordinance and making consequential amendments to other Ordinances to update references to the old Ordinance to be references to the Principal 2025 Ordinance.

The NCA published a notice on its website on 5 December 2024, providing a draft copy of the Principal 2025 Ordinance and explanatory statement and setting out details of the proposed Principal 2025 Ordinance. Over the five-week consultation period, the public was invited to make submissions on the draft Principal 2025 Ordinance to the NCA by close of business 10 January 2025.

The NCA did not receive any submissions in response to the consultation notice.

Impact analysis

The Office of Impact Analysis (OIA) advised that detailed analysis is not required (OIA reference number OIA24-08526).

Statement of Compatibility with Human Rights

A statement of compatibility with human rights for the purposes of Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* is set out at Attachment B.

Details of the *Australian Capital Territory National Land (Road Transport) (Repeal and Consequential Amendments) Ordinance 2025*

Part 1 – Preliminary

Section 1 – Name

This section provides that the name of the Ordinance is the *Australian Capital Territory National Land (Road Transport) (Repeal and Consequential Amendments) Ordinance 2025*.

Section 2 – Commencement

This section provides that the Ordinance commences at the same time as the *Australian Capital Territory National Land (Road Transport) Ordinance 2025* (the Principal 2025 Ordinance). The Principal 2025 Ordinance commences on 1 April 2025 and therefore this Ordinance also commences on 1 April 2025.

Section 3 – Authority

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

Section 4 – Schedules

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

Schedule 1 – Repeals

National Land (Road Transport) Ordinance 2014

Item 1 – The whole of the instrument

This item repeals the whole of the *National Land (Road Transport) Ordinance 2014*. The *National Land (Road Transport) Ordinance 2014* is being remade as the *Australian Capital Territory National Land (Road Transport) Ordinance 2025*.

Schedule 2 – Consequential Amendments

Australian Capital Territory National Land (Leased) Ordinance 2022

Item 1 – Subsection 7(5)

This item provides that the *Australian Capital Territory National Land (Leased) Ordinance 2022* is amended so that it refers to the *Australian Capital Territory National Land (Road Transport) Ordinance 2025* where it previously referred to the *National Land (Road Transport) Ordinance 2014*.

Australian Capital Territory National Land (Unleased) Ordinance 2022

Item 2 – Subsections 6(6) and 37(2)

This item provides that the *Australian Capital Territory National Land (Unleased)*

Ordinance 2022 is amended so that it refers to the *Australian Capital Territory National Land (Road Transport) Ordinance 2025* where it previously referred to the *National Land (Road Transport) Ordinance 2014*.

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) (Repeal and Consequential Amendments) Ordinance 2025

This Disallowable 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 Disallowable Legislative Instrument

The *Australian Capital Territory National Land (Road Transport) (Repeal and Consequential Amendments) Ordinance 2025* (Ordinance) is made under paragraph 12(1)(d) of the *Seat of Government (Administration) Act 1910*. Paragraph 12(1)(d) of that Act provides that the Governor-General may make Ordinances for the peace, order and good government of the Australian Capital Territory (ACT) with respect to National Land as defined by the *Australian Capital Territory (Planning and Land Management) Act 1988*.

The Ordinance repeals the *National Land (Road Transport) Ordinance 2014*. The *National Land (Road Transport) Ordinance 2014* is being remade as the *Australian Capital Territory National Land (Road Transport) Ordinance 2025*.

The Ordinance makes consequential amendments to the *Australian Capital Territory National Land (Leased) Ordinance 2022* and *Australian Capital Territory National Land (Unleased) Ordinance 2022* to refer to the remade law.

Human rights implications

The Ordinance does not engage any of the applicable rights or freedoms.

Conclusion

The Ordinance is compatible with human rights as it does not raise any human rights issues.