**Explanatory Statement**

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

*Australian Capital Territory National Land (Road Transport) Ordinance 2025*

*Australian Capital Territory National Land (Road Transport) Rules 2025*

**Australian Capital Territory National Land (Road Transport) (Parking Authority) Guidelines 2025**

**Authority**

The *Australian Capital Territory National Land (Road Transport) (Parking Authority) Guidelines 2025* (Guidelines) are made under subsection 34(1) of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth), as that provision is applied to National Land by the *Australian Capital Territory National Land (Road Transport) Ordinance 2025* (Ordinance) and the *Australian Capital Territory National Land (Road Transport) Rules 2025* (Rules).

The Ordinance provides, under section 8, for the Rules to apply laws of the Australian Capital Territory (ACT) relating to road transport or parking to National Land. The relevant laws of the ACT, and the areas of National Land to which they apply, are specified in Division 1 of Part 2 of the Rules. Modifications of those laws in their operation on National Land are specified in Division 2 of Part 2 of the Rules.

**Purpose**

The purpose of the Guidelines is to establish parking authority guidelines to be followed by a parking authority in the operation of a ticket parking scheme. A person who is declared to be a parking authority for a stated area under section 33 of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth) may, under section 37, establish and operate a ticket parking scheme for any length of road or area within its specified area of operations. The operation of the ticket parking scheme by the parking authority must be in accordance with the parking authority guidelines (see subsections 34(3) and (4) and section 37 of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth))*.*

Subsection 34(1) of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth) requires the road transport authority to establish parking authority guidelines for section 37. Under the legislative framework for the management of pay parking on National Land established by the Ordinance and the Rules, powers vested in the ‘road transport authority’ in an applied ACT road transport law are vested in the Commonwealth Minister with responsibility for administering the Ordinance (see subsection 11(2) of the Ordinance). The Minister has delegated their power to establish parking authority guidelines under subsection 34(1) to the Chief Executive of the National Capital Authority (NCA) under the *Australian Capital Territory National Land (Road Transport) (Minister) Delegation 2025*.

The Guidelines remake the *Australian Capital Territory National Land (Road Transport) Parking Authority Guidelines 2021*, an instrument that was made under the *National Land (Road Transport) Ordinance 2014* (2014 Ordinance), which provided the previous legislative framework for the management of pay parking on National Land. That Ordinance was due to sunset on 1 April 2026, in accordance with the *Legislation (Deferral of Sunsetting—National Land (Road Transport) Ordinance) Certificate 2024*, and was remade by the Ordinance and the Rules to create the current legislative framework, which these Guidelines form part of.

These Guidelines, and the previous *Australian Capital Territory National Land (Road Transport) Parking Authority Guidelines 2021,* are modelled on the *Road Transport (Safety and Traffic Management) Guidelines 2020* (ACT) (which were made under the equivalent ACT road transport law), with appropriate modifications for the Commonwealth context. The Australian Government’s objective is to align, as far as practicable, with the ACT Government in respect of road transport and parking, to ensure that parking rules are as consistent across the ACT as possible. The Guidelines will support that objective by ensuring that ticket parking schemes operated by parking authorities under Commonwealth law on National Land are consistent with ticket parking schemes operated by the ACT Government in the rest of the ACT.

**Background**

The Ordinance and Rules establish a legislative framework for the management of pay parking on National Land by enabling the application, with or without modification, of laws of the ACT relating to road transport and parking to National Land.

National Land is defined by section 27 of the *Australian Capital Territory (Planning and Land Management) Act 1988*. National Land is land within the ACT that the Commonwealth continues to manage following the establishment of ACT self-government. The NCA is established by that Act and one of its functions is, with the approval of the Minister administering Part II of 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.

Subsection 8(1) of the Ordinance provides that the Rules may apply to National Land, or to a specified area of National Land, specified ACT road transport laws, with or without modification, including any offences created by those laws and any provisions of those a contravention of which is punishable by a pecuniary penalty (however described). Applied ACT road transport laws apply to National Land, or to specified areas of National Land, as laws of the Commonwealth (see subsection 10(1) of the Ordinance); however, applied ACT road transport laws (with or without modifications) are to be interpreted in the same way as the laws of the ACT (see section 6 of the Ordinance).

The specified ACT road transport laws are applied to National Land at the time specified in the Rules, which, at the time the Rules were first made, was when the relevant section of the Rules commenced on 1 April 2025 (see subsection 6(2) of the Rules). The relevant point in time versions of the ACT road transport laws that have been applied by the Rules to National Land are available on the ACT Legislation Register (www.legislation.act.gov.au).

The High Court of Australia occupies a block of land within the area of National Land that is specified in section 8 of the Rules, for the purposes of subsection 8(1) of the Ordinance, as the area of National Land to which the specified ACT road transport laws apply. The NCA manages the pay parking scheme in the specified area of National Land, but the Chief Executive of the NCA has, under subsection 33(2) of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth), declared the High Court of Australia to be the parking authority for their block of land. The High Court of Australia was first declared as a parking authority under the applied ACT road transport laws in 2014 and the first parking authority guidelines were made by the Chief Executive of NCA at the same time. The High Court of Australia has managed a ticket parking scheme, in accordance with the parking authority guidelines, within their stated area since that time.

**Summary of the Guidelines**

The Guidelines set out preliminary provisions in sections 1 to 4, including commencement and definitions. Section 5 sets out the purpose of the Guidelines and section 6 sets out the parking authority guidelines.

The Guidelines are a legislative instrument for the purposes of the *Legislation Act 2003* (in accordance with the modification to subsection 34(2) of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth) in section 23 of the Rules). The Guidelines are subject to sunsetting and disallowance under the *Legislation Act 2003.*

The Guidelines commence immediately after the commencement of the Rules, which in turn commence immediately after the Ordinance. The Ordinance commences on 1 April 2025.

Details of the Guidelines 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*.

On 6 February 2025, the NCA contacted the High Court of Australia to consult on the remaking of the Guidelines. The High Court of Australia were provided with a copy of the draft instrument and explanatory statement. On 13 February 2025, the High Court of Australia confirmed they were comfortable with the proposed guidelines and pay parking arrangements as described in the explanatory statement.

The Guidelines are part of the legislative framework that provides for the management of pay parking on National Land, through the repeal of the 2014 Ordinance and the making of the new Ordinance and Rules. The Guidelines remake parking authority guidelines that were previously made under the 2014 Ordinance.

The NCA published a notice on its website on 5 December 2024, providing a draft copy of the Ordinance and Rules and accompanying explanatory statements, as well as setting out details of the proposed Ordinance and Rules. The Rules include the application and modification of the provision of ACT road transport law, as a law of the Commonwealth on National Land, that requires the Minister (or their delegate) to establish parking authority guidelines under the applied ACT road transport legislation. These provisions of the Rules are explained in its accompanying explanatory statement.

Over the five-week consultation period, the public was invited to make submissions on the Ordinance and Rules, including the provisions relating to the establishment of parking authority guideline by the Minister (or their delegate), 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.

**Attachment A**

**Details of the *Australian Capital Territory National Land (Road Transport) (Parking Authority) Guidelines 2025***

Section 1 – Name

This section provides that the name of the instrument is the *Australian Capital Territory National Land (Road Transport) (Parking Authority) Guidelines 2025* (Guidelines).

Section 2 – Commencement

This section provides for the Guidelines to commence immediately after the commencement of the *Australian Capital Territory National Land (Road Transport) Rules* 2025 (Rules). The note to this section explains that the Rules commence immediately after the *Australian Capital Territory National Land (Road Transport) Ordinance 2025* (Ordinance), which commences on 1 April 2025.

Section 3 – Authority

This section provides that the Guidelines are made under subsection 34(1) of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth), as applied by the Ordinanceand the Rules.

Section 4 – Definitions

The explanatory note to this section provides a non-exhaustive list of expressions used in the Guidelines that are defined in the Ordinance and the Rules to aid reading the Guidelines, including ‘NCA’ and ‘Ordinance’.

The term ‘NCA Chief Executive’ is defined as meaning the Chief Executive of the National Capital Authority (NCA) as referred to in section 45 of the *Australian Capital Territory (Planning and Land Management) Act 1988*.

The term ‘Regulations’ is defined as meaning the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth).

The term ‘Rules’ is defined as meaning the *Australian Capital Territory National Land (Road Transport) Rules 2025.*

Section 5 – Purpose of this instrument

This section sets out the purpose of the Guidelines, which is, for the purposes of subsection 34(1) of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth) (Regulations), to set out the parking authority guidelines for the establishment and operation of a ticket parking scheme by a parking authority under section 37 of the Regulations.

The note to the section refers to the requirements under the Regulations for a parking authority to comply with the parking authority guidelines in the operation of the ticket parking scheme. Amongst other requirements, a parking authority is not entitled to provide, or charge for, parking in a ticket parking area if the parking authority does not comply with the parking authority guidelines (see subsection 34(3) of the Regulations).

The requirements that apply under the Regulations are those that applied under the equivalent ACT road transport law at the time specified in the Rules, which, at the time the Guidelines were first made, was when the Rules commenced on 1 April 2025 (see subsection 6(2) of the Rules). The relevant point in time versions of the ACT road transport laws that have been applied by the Rules to National Land are available on the ACT Legislation Register (www.legislation.act.gov.au).

Section 6 – Parking authority guidelines

This section sets out the parking authority guidelines for the establishment and operation of a ticket parking scheme by a parking authority under the Regulations.

Subsection (1) requires that all signs and road markings used by a parking authority are consistent with:

* the *Road Transport (Road Rules) Regulation 2017* (ACT) (as in force at the time the Guidelines commence); and
* specific Australian Standards and Australian/New Zealand Standards (as in force at the time the Guidelines commence).

The version of the *Road Transport (Road Rules) Regulation 2017* (ACT) that was in force at the time these Guidelines commence, which is 1 April 2025, is available on the ACT Legislation Register (www.legislation.act.gov.au). The relevant Australian Standards and Australian/New Zealand Standards are available from Standards Australia (www.standards.org.au). Copies of the relevant Australian Standards and Australian/New Zealand Standards are also freely available for viewing by the public at the NCA offices (currently located at D Block, Treasury Building, King Edward Terrace, Parkes, ACT).

Subsections (2) to (5) set out requirements in relation to parking fees and tickets, including that any pay parking areas must be clearly identified and the fees for a ticket parking scheme must be clearly displayed on each parking ticket machine. A parking authority is required to advise the NCA Chief Executive of the fees to be charged, as well as submit an example of a parking ticket to be issued under the ticket parking scheme.

Subsections (6) and (7) set out procedures in relation to enforcement of a ticket parking scheme operated by a parking authority. Parking authorities do not have any enforcement powers of their own (for example, to issue infringement notices in relation to a vehicle that is parked in the ticket parking area contrary to the requirements of the ticket parking scheme for that area, such as not paying the required parking fee or parking longer than the permitted time). Instead, if enforcement of a ticket parking scheme is required, the parking authority for the scheme must write to the NCA Chief Executive to request enforcement by authorised persons. Authorised persons are appointed under section 13 of the Ordinance and have vested in them certain powers under the applied ACT road transport law (under subsection 11(1) of the Ordinance).

A parking authority must notify the NCA Chief Executive of any parking ticket machine malfunctions as soon as practicable, so that the malfunction can be taken into account for any enforcement activities. This includes, for example, notifying the NCA Chief Executive if the parking ticket machines in a ticket parking area are not working (for example, not accepting payment or not printing tickets), so that a decision can be made about whether to issue infringement notices or not for the period the parking ticket machines are not working.

Subsections (8) to (10) set out other miscellaneous requirements that parking authorities are required to comply with in the operation of a ticket parking scheme, including that a parking authority must:

* submit a plan showing the traffic control devices in their ticket parking area to the NCA Chief Executive (subsection (8)); and
* notify the NCA Chief Executive if it wishes to cease operating the ticket parking scheme (subsection (10)).

Subsection (9) requires a parking authority to advise the NCA Chief Executive of any changes to their ticket parking area. Such changes, for example, include: changes to the operating hours of the ticket parking scheme or the opening hours of the ticket parking area; changes to the fees charged for the ticket parking scheme; and changes to any traffic control devices in the ticket parking area.

**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 Authority) Guidelines 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) (Parking Authority) Guidelines 2025* (Guidelines) are made under subsection 34(1) of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth), as that provision is applied to National Land by the *Australian Capital Territory National Land (Road Transport) Ordinance 2025* (Ordinance) and the *Australian Capital Territory National Land (Road Transport) Rules 2025* (Rules).

The purpose of the Guidelines is to establish parking authority guidelines to be followed by a parking authority in the operation of a ticket parking scheme. A person who is declared to be a parking authority for a stated area under section 33 of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth) may, under section 37, establish and operate a ticket parking scheme for any length of road or area within its specified area of operations. The operation of the ticket parking scheme by the parking authority must be in accordance with the parking authority guidelines (see subsections 34(3) and (4) and section 37 of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth))*.*

Subsection 8(1) of the Ordinance provides that the Rules may apply to National Land, or to a specified area of National Land, specified ACT road transport laws, with or without modification, including any offences created by those laws and any provisions of those a contravention of which is punishable by a pecuniary penalty (however described). Applied ACT road transport laws apply to National Land, or to specified areas of National Land, as laws of the Commonwealth (see subsection 10(1) of the Ordinance); however, applied ACT road transport laws (with or without modifications) are to be interpreted in the same way as the laws of the ACT (see section 6 of the Ordinance).

Subsection 34(1) of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT)(Cth) requires the road transport authority to establish parking authority guidelines for section 37. Under the legislative framework for the management of pay parking on National Land established by the Ordinance and the Rules, powers vested in the ‘road transport authority’ in an applied ACT road transport law are vested in the Commonwealth Minister with responsibility for administering the Ordinance (see subsection 11(2) of the Ordinance). The Minister has delegated their power to make parking authority guidelines under subsection 34(1) to the Chief Executive of the National Capital Authority under the *Australian Capital Territory National Land (Road Transport) (Minister) Delegation 2025*.

The Guidelines remake the *Australian Capital Territory National Land (Road Transport) Parking Authority Guidelines 2021*, an instrument that was made under the *National Land (Road Transport) Ordinance 2014*, which provided the previous legislative framework for the management of pay parking on National Land. That Ordinance was due to sunset on 1 April 2026, in accordance with the *Legislation (Deferral of Sunsetting—National Land (Road Transport) Ordinance) Certificate 2024*, and was remade by the Ordinance and the Rules to create the current legislative framework, which these Guidelines form part of.

**Human rights implications**

The Guidelines do not engage any of the applicable rights or freedoms.

**Conclusion**

The Guidelines are compatible with human rights as they do not raise any human rights issues.