

## **EXPLANATORY STATEMENT – Parking Permit Fees Rule 2019**

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

*National Land (Road Transport) Ordinance 2014*

*Parking Permit Fees Rule 2019*

### **Overview and Background**

The *National Land (Road Transport) Ordinance 2014* ('the Ordinance') provides the legislative framework for the management and enforcement of pay parking on National Land.

The Ordinance modifies the application of the ACT road transport and parking laws to permit the NCA Chief Executive to be responsible for the administration of pay parking on National Land.

Under 'Part 3 Miscellaneous, section 11 Rule Making Power' of the Ordinance, the Minister may make rules prescribing matters that are required, permitted, necessary or convenient for giving effect to the Ordinance.

The *Parking Permit Fees Rule 2019* ('the Rule') sets out the fees for parking permits issued by the NCA Chief Executive under the Ordinance and section 64(2) of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT).

This rule is a legislative instrument for the purposes of the *Legislation Act 2003* (Cth).

The rule commences on 1 July 2019.

### **Consultation**

The National Capital Authority, 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 in 2014. Consultation occurred with central agencies as part of the 2018-19 budget process.

### **Detailed provision by provision description of the Ordinance**

#### **Section 1 – Name of Rule**

This section provides that the title of the Rule is the *Parking Permit Fees Rule 2019*.

#### **Section 2 – Commencement**

This section provides for the Rule to commence on 1 July 2019.

#### **Section 3 – Repeal**

This section provides that the *Parking Permit Fees Rule 2018* is to be repealed.

#### **Section 4 - Determination of fees**

This section provides that the fee payable for a parking permit is the amount for that item in column 3 of schedule 1 that is effective from the date in column 3 of schedule 1.

Prior to the introduction of pay parking on 1 October 2014, it was agreed by the Australian Government that pricing would be set at the then market rate, based on the rates of nearby parking areas managed by the ACT government. This approach is consistent with the Resource Management Guide 302 – Australian Government Charging Framework.

#### **Section 5 – Payment of fees**

This section provides for the fee listed in schedule 1 to be payable to the NCA chief executive by the applicant for the parking permit to which the application relates.

#### **Section 6 – Definitions**

This section provides the definitions that are referred to in the Rule.

#### **Schedule 1 – Parking Permits Fees**

This schedule provides the details of the parking permit for which the fee is payable and the fee payable from the date specified in column 3 of schedule 1.

#### **Regulation Impact Statement**

The Office of Best Practice Regulation advised that the proposal is likely to have a minor regulatory impact on business, community organisations or individuals. A Regulation Impact Statement does not need to be prepared (OBPR ref: 23829).

#### **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.

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