

EXPLANATORY STATEMENT

Issued by the authority of the Assistant Minister for Regional Development and Territories,
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development

Subject - National Land (Road Transport) Ordinance 2014
Australian Capital Territory National Land (Road Transport) (Electronic Payment Method) Rules 2020

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

Purpose and Operation

The Australian Capital Territory National Land (Road Transport) (Electronic Payment Method) Rules 2020 (the Rules) declare section 36 of the Road Transport (Safety and Traffic Management) Regulation 2017 (ACT) (the STM Regulation) applies to National Land. It also replaces section 36(3) of the STM Regulations to make the approval a notifiable instrument within the meaning of the *Legislation Act 2003* (Cth).

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

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

Impact and Effect

The Rules do not create any additional regulatory impacts for pay parking users.

The Rules declare section 36 of the STM Regulation, allowing for the approval of an electronic payment method for pay parking on National Land. Any approval made under the Rules will allow for an additional payment method and the existing methods will continue to be available.

Basis for the Rules

The Government's objective is to align, as far as practicable, with the ACT Government in respect to road transport and parking. 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 align payment methods on National Land with the ACT by declaring section 36 of the STM Regulation to enable the approval of an electronic payment method. The Rules achieves this by providing the NCA Chief Executive with the power to approve an electronic payment method for National Land in the form of a notifiable instrument.

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 Rules may be exercised.

Consultation

Consultation was undertaken with the Department of Infrastructure, Transport, Regional Development and Communications, the Office of Parliamentary Counsel, the ACT Government, the Department of Defence and the National Cultural Institutions, to ensure the effectiveness of the Rules. Public consultation was not necessary as the modifications are minor and machinery in nature.

ATTACHMENT A

Explanation of provisions

Section 1- Name

This section provides that the name of the Rules is the *Australian Capital Territory National Land (Road Transport) (Electronic Payment Method) Rules 2020* (the Rules).

Section 2- Commencement

This section provides that the Rules commence on the day after the instrument is registered.

Section 3- Authority

This section provides that the Rules are made under the *National Land (Road Transport) Ordinance 2014* (Cth) (the Ordinance).

Section 4- Definitions

Defines expressions and terms used in the Ordinance.

Section 5- Approval of e-payment method

This section provides that section 36 of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT) (the STM Regulation) is 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- Modification of ACT paid parking legislation

This section provides that subsection 3 of the STM Regulation is replaced to allow the approval to be a notifiable 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.

Australian Capital Territory National Land (Road Transport) (Electronic Payment Method) Rules 2020

This Legislative Instrument is compatible with the human rights and freedoms recognized or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Rules

The purpose of the Rules is to establish section 36 of the *Road Transport (Safety and Traffic Management) Regulation 2017* (ACT) as ACT paid parking legislation under section 5 of the *National Land (Road Transport) Ordinance 2014* (Cth), to allow for the approval of an electronic payment method for use on National Land.

The Australian Government aims to maintain consistency with the ACT Government paid parking operations. The ACT currently allows for the use of an approved electronic payment method for payment of a ticketed parking space. In order to maintain consistency and increase accessibility, the Rules will allow for the approval of an additional payment method and will not affect the existing payment methods.

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.