

# Road Transport (General) (Pay Parking Area Fees) Determination 2018 (No 1)

## Disallowable instrument DI2018–74

made under the

**Road Transport (General) Act 1999, section 96 (Determination of fees, charges and other amounts)**

## EXPLANATORY STATEMENT

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Section 96 of the *Road Transport (General) Act 1999* allows the Minister to determine fees, charges and other amounts payable under the ACT road transport legislation.

This determination sets the relevant parking fees for Territory-operated pay parking areas. Under the *Road Transport (Safety and Traffic Management) Regulation 2017* (the **Regulation**), there are two categories of pay parking schemes: metered parking schemes (which are established by the road transport authority (the **Authority**) under section 28(1) of the Regulation) and ticket parking schemes (which are established by the Authority under section 35(1) of the Regulation).

It should be noted that parking meters have been removed from roads and car parking areas across the ACT.

The previous instrument applied a 6% increase to listed pay parking fees on 1 July 2017, including pre-paid all-day parking tickets and CIT pre-paid tickets, rounded to the nearest ten cents. Discounts apply to fees for multi-stay parking tickets. The fees implemented on 1 July 2017 will continue without change on the commencement of the current instrument.

This determination is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification day pursuant to section 64 of the *Legislation Act 2001*.

### Updates to the instrument

This instrument does not change pay parking fees. It does not seek to apply retrospectively. This instrument makes editorial changes only and has been updated to reflect the commencement of the *Road Transport (Road Rules) Regulation 2017*. The *Road Transport (Road Rules) Regulation 2017* consolidates the Australian Road

Rules and ACT specific road rules from the *Road Transport (Safety and Traffic Management) Regulation 2000*.

The current instrument makes a number of changes to the previous instrument, the *Road Transport (General) (Pay Parking Area Fees) Determination 2017 (No 1)* (DI2017-166) as follows:

- updates to definitions that were in the *Road Transport (Safety and Traffic Management) Regulation 2000*. One definition is now found in the *Road Transport (Road Rules) Regulation 2017*. The other definition is used only in this instrument, so has been relocated to section 8 of this instrument and required the insertion of an additional definition; and
- updates references to the *Road Transport (Safety and Traffic Management) Canberra Institute of Technology Student Pre-paid Ticket Parking Scheme 2011* (NI2011-663).

### **Regulatory Impact Statement (RIS)**

A RIS is not required for this fee determination due to section 36(1)(k) of the *Legislation Act 2001*, which states that a RIS need not be prepared for an amendment of a fee consistent with announced government policy. Parking fees continued by this instrument are consistent with the Government's policies to reduce the provision of free parking, and encourage greater use of sustainable transport options. All of these policies are included in the Government's parking action plan "Building an Integrated Transport Network – Parking", which was released in mid-2015.

### **Human Rights**

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted

### **Outline of provisions**

**Clause 1** names the instrument the *Road Transport (General) (Pay Parking Area Fees) Determination 2018 (No 1)*

**Clause 2** states that the instrument commences on 30 April 2018. This coincides with the commencement of the new *Road Transport (Road Rules) Regulation 2017*.

**Clause 3** determines the fee for parking a vehicle in a short-stay parking area or multi-stay parking area as described in schedule 1. This section is subject to section 4.

A list of all pay parking areas by name, location, and fees by the hour and (where applicable) part thereof, can be found in schedule 1 of the instrument.

This section is a continuation of the fees applied by the previous instrument.

**Clause 4** determines that the fees in section 3 do not apply to the parking of a vehicle in a pay parking area if one of the following applies to the parking of the vehicle in the pay parking area:

- a) a current multi-day parking ticket; or
- b) a current parking ticket for an eligible CIT student.

**Clause 5** determines the fee for multi-day parking tickets for the parking of vehicles in the pay parking areas indicated in schedule 2.

**Clause 6** determines the fee for a parking ticket for an eligible CIT student for the parking of a vehicle in a pay parking area set out in schedule 3.

CIT student pre-paid tickets are available to eligible CIT students. Eligible CIT students are defined in section 8 of the instrument. The ticket is usable in specific multi-stay ticket parking areas only, near the Reid CIT campus and the Tuggeranong Flexible Learning Centre of the CIT.

**Clause 7** defines terms and phrases for this instrument.

**Clause 8** provides that the *Road Transport (General) (Pay Parking Area Fees) Determination 2017 (No 1)* (DI2017-166) is revoked.