

Road Transport (General) (Pay Parking Area Fees) Determination 2016 (No 2)

Disallowable instrument DI2016–165

made under the

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

EXPLANATORY STATEMENT

Background

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 2000* (the Regulation), pay parking areas fall into two categories: metered parking areas (which are established by the road transport authority (the authority) under section 73(1) of the Regulation) and ticket parking schemes (which are established by the authority under section 76(1) of the Regulation).

It should be noted that parking meters were removed from roads and car parking areas across the ACT earlier this year. Fees for areas controlled by parking meters have been removed from this instrument. There will be corresponding amendments to the Regulation to remove references to metered parking.

Overview

The updated disallowable instrument includes a 6% increase to all listed pay parking fees, including pre-paid all-day parking tickets and CIT pre-paid tickets, rounded to the nearest ten cents. An annual 6% increase in pay parking fees was announced in the 2014-15 ACT Government budget, and was previously applied from 1 July 2015 in the previous fee determination, *Road Transport (General) (Pay Parking Area Fees) Determination 2015 (No 1)* (DI2015-203).

The updated disallowable instrument includes a number of changes to the pay parking areas listed in the schedules:

- The removal of two parking areas in Yarralumla (block 7 section 40, and Kaye Place), where agreements have been reached with local stakeholders to cease pay parking arrangements.

- The removal of section 200 Belconnen (adjacent to the Belconnen Labor Club), which has been sold by the Territory and is now operated by a private provider pending future redevelopment.
- Minor changes have also been made to better describe on-street parking in parts of Civic. This includes identifying road corridors that include small segments of large surface car parks – such as Ellery Crescent and McCoy Circuit in the City (on the edge of parking at section 20 City), and Easty Street, Phillip (on the edge of parking at section 80 Phillip).
- References to the short-stay parking area south of Westfield Woden (section 105) near Juliana Place has also been updated to account for the mix of two hour and three hour pay parking spaces in the area.

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

Regulatory Impact Statement (RIS)

A RIS is not required for this fee determination due to s 36(1)(k) of the Legislation Act, which states that a RIS need not be prepared for an amendment of a fee consistent with announced government policy. Parking fees made 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

Section 1 – Name of instrument

This section names the instrument.

Section 2 – Commencement

This section states when the instrument commences.

Section 3 – Fees for short and multi-stay pay parking areas

This section 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.

Section 4 – Multi-day and eligible CIT student parking tickets – effect of

This section 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.

Section 5 – Fees for multi-day parking tickets

This section determines the fee for multi-day parking tickets for the parking of vehicles in the pay parking areas indicated in schedule 2.

Section 6 – Eligible CIT student pre-paid ticket parking scheme

This section 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.

Section 7 – Revocation

This section revokes the previous fee determination instrument, the *Road Transport (General) (Pay Parking Area Fees) Determination 2016 (No 1)* (DI2016-14).

Section 8 – Dictionary

This section defines terms and phrases for this instrument.