

## Local Government Amendment (Enforcement of Parking and Related Offences) Bill 2001

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993* so as:

- (a) to enable the Treasurer to enter into arrangements with a local council for the allocation, between the council and the State, of parking penalties and fines that are recovered in proceedings instituted by the council, and
- (b) to facilitate the employment by a local council of certain parking patrol officers formerly employed by the Crown, and
- (c) to clarify the entitlement of a local council to retain money derived from penalty notices issued by its officers, and
- (d) to enable regulations of a savings or transitional nature to be made under that Act as a consequence of the enactment of the proposed Act.

#### Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Local Government Act 1993* set out in Schedule 1.

#### **Allocation of parking fines between councils and the State**

Under section 694 of the Act, penalties and fines that are recovered in proceedings instituted by a council are currently paid to the council's consolidated fund. **Schedule 1 [2]** amends section 694 so as to enable the Treasurer to enter into arrangements with a local council for the allocation, between the council and the State, of parking penalties and fines recovered in such proceedings. Any penalty or fine to which such an arrangement relates will then be apportioned between the council and the State in accordance with the arrangement.

#### **Employment of former Crown parking patrol officers**

**Schedule 1 [4]** inserts a proposed new Part (containing a single substantive clause) into Schedule 8 to the Act. The proposed clause provides that section 348 (which requires vacant staff positions to be advertised) and section 349 (which requires appointments to vacant staff positions to be made on merit from persons who have applied for appointment) are not to apply to the appointment of certain police parking patrol officers currently employed by the Crown. The proposed clause will facilitate the transfer of such officers to local councils in accordance with arrangements agreed to between those councils and the State. The proposed clause will cease to have effect on 30 June 2003.

#### **Clarification of local councils' entitlement to money derived from penalty notices**

The amendments effected by **Schedule 1 [2]** include proposed section 694 (5) (a), which expressly states what has previously been assumed, namely, that a reference in the section to proceedings instituted by a local council includes a reference to penalty notices issued by or under the direction or on behalf or for the benefit of a local council. **Schedule 1 [1]** make a consequential amendment.

#### **Savings and transitional regulations**

**Schedule 1 [3]** amends clause 1 of Schedule 8 to the Act so as to enable regulations of a savings or transitional nature to be made under that Act as a consequence of the enactment of the proposed Act.