



New South Wales

# **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.

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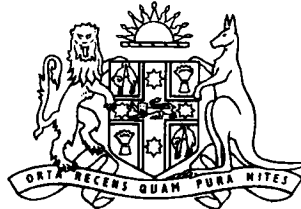
Explanatory note

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**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.

First print



New South Wales

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

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New South Wales

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

No. , 2001

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## A Bill for

An Act to amend the *Local Government Act 1993* with respect to the allocation of revenue from the recovery of parking fines and the transfer to local councils of certain police parking patrol officers; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Local Government Amendment (Enforcement of     Parking and Related Offences) Act 2001</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on a day or days to be appointed by proclamation.	6 7
<b>3 Amendment of Local Government Act 1993 No 30</b>	8
The <i>Local Government Act 1993</i> is amended as set out in Schedule 1.	9

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## Schedule 1 Amendments

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(Section 3)

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### [1] Section 694 Application of penalties

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Omit “or under the direction or on behalf or for the benefit of” from section 694 (1).

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### [2] Section 694 (3), (4) and (5)

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Insert after section 694 (2):

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(3) The Treasurer may enter into an arrangement with a council with respect to the allocation of any money paid or payable to the council from penalties and fines for parking and related offences recovered in proceedings instituted by the council.

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(4) Any money to which such an arrangement applies is to be apportioned between the council and the State in accordance with the arrangement and:

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(a) as to the council’s portion, is to be retained in the council’s consolidated fund for use by the council, and

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(b) as to the State’s portion, is to be paid to the Consolidated Fund referred to in section 39 of the *Constitution Act 1902*.

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(5) In this section:

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(a) a reference to proceedings instituted by the council includes:

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(i) a reference to proceedings instituted under the direction or on behalf or for the benefit of the council, and

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(ii) a reference to penalty notices issued by or under the direction or on behalf or for the benefit of the council, and

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(b) a reference to a parking or related offence is a reference to an offence that is declared by the regulations to be a parking or related offence for the purposes of this section.

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Schedule 1 Amendments

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<b>[3] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts</b>	1 2
Insert at the end of clause 1 (1):	3
<i>Local Government Amendment (Enforcement of Parking and Related Offences) Act 2001</i>	4 5
<b>[4] Schedule 8</b>	6
Insert at the end of the Schedule, with appropriate numbering:	7
<b>Part Provisions in connection with enactment of Local Government Amendment (Enforcement of Parking and Related Offences) Act 2001</b>	8 9 10
<b>Employment of former parking patrol officers</b>	11
(1) This clause applies to any person who, immediately before the commencement of this clause, was employed by the Crown as a parking patrol officer (however described) and who, in the course of that employment, was subject to the direction and control of the Commissioner of Police.	12 13 14 15 16
(2) Sections 348 and 349 do not apply to the appointment of such a person to a position within the organisation structure of a council that has the same or similar duties to those performed by the person as a parking patrol officer.	17 18 19 20
(3) This clause ceases to have effect on 30 June 2003.	21