



# Legislative Assembly

## Local Government Amendment (Enforcement Of Parking And Related Offences) Bill Hansard

### Extract

07/06/2001

#### Second Reading

**Mr WHELAN** (Strathfield—Minister for Police) [5.45 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Local Government Amendment (Enforcement of Parking Offences) Bill. The bill makes several amendments to the Local Government Act 1993 that are designed to facilitate the Government's decision to transfer the responsibility for enforcement of on-street parking regulations from the New South Wales Police Service to local councils. The Government's decision to transfer this function follows a 1999 report by the Auditor-General into on-street parking in New South Wales. The report found that the efficiency and effectiveness of parking enforcement in New South Wales was poor by comparison with other States, where the function is undertaken by local councils.

The Auditor-General's report recommended that the arrangements for enforcement be reviewed, including the involvement of councils. Subsequent reviews by interdepartmental committees have established that transfer of the function to local government is the option most likely to ensure that parking enforcement achieves its objectives of enhanced road safety and traffic flow and equitable access to parking space for motorists. The interdepartmental committees worked in consultation with the Local Government and Shires Associations and the Public Service Association. The Local Government and Shires Associations have represented all councils except the Council of the City of Sydney in negotiating arrangements for the transfer.

The associations are supportive of the initiative, as is the Council of the City of Sydney. One of the main considerations in making arrangements for the transfer of this function to councils has been protecting the employment entitlements of those who are currently employed by the Police Service as parking patrol officers. The function will be transferred only to councils that agree to offer employment to parking patrol officers currently employed in their areas. Salary rates will be at least equal to the officer's current salary rate. All leave entitlements will be paid out by the Police Service.

Superannuation entitlements as at the date of transfer will be funded by the appropriate superannuation fund, and superannuation coverage will continue through local government superannuation schemes. Parking patrol officers currently employed by the Police Service who accept offers of employment from councils will be paid up to 20 weeks salary as a termination payment under the terms of the Employment Protection Regulation 1995. Also, in cases where parking patrol officers cannot be offered employment by councils for medical reasons, they will be paid up to 52 weeks salary on termination of their employment with the Police Service in accordance with the Managing Displaced Employees Policy.

In order to facilitate the employment of parking patrol officers by councils, the Local Government Act must be amended. The Local Government Act requires vacant staff positions to be advertised and appointments to those positions to be made on merit from persons who have applied for appointment. An amendment in the bill will permit councils to appoint parking patrol officers currently employed by the Police Service without complying with these requirements. The Government's decision to transfer the responsibility for the enforcement of on-street parking regulations to local councils is subject to the Crown retaining a share of the moneys received from penalties and fines for parking offences.

It is proposed that revenue sharing arrangements will be entered into with a number of councils expected to benefit most from the transfer. Other councils will retain all revenues from enforcing on-street parking offences. Section 694 of the Local Government Act requires penalties and fines recovered in proceedings instituted by councils to be paid to the relevant council and allocated to its consolidated fund.

An amendment in the bill will enable the making of arrangements for the allocation, between a council and the Crown, of parking penalties and fines recovered in such proceedings. Any penalty or fine to which such an arrangement relates will then be able to be apportioned between the council and the Crown in accordance with the particular arrangement. In conclusion, the proposed amendments are essential for the effective implementation of the Government's decision to transfer the parking enforcement function to local councils. I commend the bill to the House.