

Passed by both Houses



New South Wales

Local Government Amendment (Enforcement of Parking and Related Offences) Bill 2002

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2002*



New South Wales

Local Government Amendment (Enforcement of Parking and Related Offences) Bill 2002

Act No , 2002

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.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Local Government Amendment (Enforcement of Parking and Related Offences) Act 2002*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Local Government Act 1993 No 30

The *Local Government Act 1993* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 694 Application of penalties

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

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

Insert after section 694 (2):

- (3) The Treasurer may enter into an arrangement with the council of Sydney, North Sydney or South Sydney 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.
- (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:
 - (a) as to the council’s portion, is to be retained in the council’s consolidated fund for use by the council, and
 - (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*.
- (5) In this section:
 - (a) a reference to proceedings instituted by the council includes:
 - (i) a reference to proceedings instituted under the direction or on behalf or for the benefit of the council, and
 - (ii) a reference to penalty notices issued by or under the direction or on behalf or for the benefit of the council, and
 - (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.

[3] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts

Insert at the end of clause 1 (1):

Local Government Amendment (Enforcement of Parking and Related Offences) Act 2002

[4] Schedule 8

Insert at the end of the Schedule, with appropriate numbering:

Part Provisions in connection with enactment of Local Government Amendment (Enforcement of Parking and Related Offences) Act 2002

Employment of former parking patrol officers

- (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.
- (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.
- (3) This clause ceases to have effect on 30 June 2003.