

FIRST PRINT

TRAFFIC (PARKING) AMENDMENT BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Traffic Act 1909:

- (a) to provide for the provision of paid parking (in addition to metered parking) by councils (for example, parking might be paid for by using pre-paid parking tickets); and
- (b) to permit the use of a single parking meter in connection with more than one parking space; and
- (c) to provide that surplus revenue from the use of parking meters and pay parking is to be utilised by councils to establish, improve or manage road, traffic, parking or public transport facilities.

Clause 1 specifies 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 which gives effect to the Schedule of amendments to the Traffic Act 1909.

SCHEDULE 1—AMENDMENTS

Pay parking

Schedule 1 (5) inserts new Divisions 3 and 4 (containing proposed sections 10T–10VD) into Part 3B of the Act.

Proposed section 10T empowers a council (with the approval of the Roads and Traffic Authority) to provide pay parking spaces in public streets in the area of the council. The council is authorised to provide for the means of payment and to set the relevant fees for pay parking (subject to any maximum fee prescribed by the regulations).

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Proposed section 10U enables councils to enter into agreements concerning the provision of pay parking on a common payment basis. Common fees for such parking are to be fixed by the councils.

Proposed section 10V provides that a council is taken not to have approval to provide a pay parking space and is not entitled to charge for parking in the space if it fails to comply with a condition of a relevant approval given by the Roads and Traffic Authority.

Proposed section 10VA makes it clear that the proposed Division does not affect any other power of a council to provide parking in a reserve.

Proposed section 10VB empowers a police officer, in an emergency, to direct the removal of a vehicle from a pay parking space or, if necessary, to cause the vehicle to be removed. (The proposed section also restates a similar existing power of the police in respect of metered spaces.) It will be an offence with a maximum penalty of 5 penalty units (currently \$500) to fail to comply with a direction under the proposed section.

Proposed section 10VC requires councils to bear the cost of providing and maintaining metered parking and pay parking. The proposed section allows councils to collect the revenue received from metered parking and pay parking. That revenue is to be used to meet the costs of pay parking, with any surplus available for use in providing road, traffic, parking and public transport facilities.

Proposed section 10VD enables regulations to be made with respect to the manner for designating pay parking spaces, methods of payment for pay parking, offences in relation to devices or other things used in relation to payment for pay parking, common schemes for pay parking and the maximum fees that may be fixed by a council in respect of pay parking.

Schedule 1 (2) (c) inserts a definition of "pay parking space" in section 10Q of the Act for the purposes of new Divisions 3 and 4.

Schedule 1 (1) and (3) make minor amendments consequential on the insertion of new Divisions 3 and 4.

Parking meters

Schedule 1 (4) (b) amends section 10R to allow a parking meter to be used in connection with more than one parking space (currently the Act restricts the use of a parking meter to only one parking space). Schedule 1 (2) (a) and (b) and (4) (a) are consequential on that amendment.

Proposed section 10VD (inserted by Schedule 1 (5)) restates the existing power in the Act to make regulations with respect to the installation and use of parking meters and parking in metered spaces.

Other

Schedule 1 (6) amends Schedule 1 to the Act to enable regulations of a savings or transitional nature to be made consequent on the enactment of the proposed Act.

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TRAFFIC (PARKING) AMENDMENT BILL 1993

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TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Traffic Act 1909 No. 5

SCHEDULE 1—AMENDMENTS

TRAFFIC (PARKING) AMENDMENT BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Traffic Act 1909 with respect to paid parking on public streets and to make further provision with respect to parking meters; and for other purposes.

*Traffic (Parking) Amendment 1993***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Traffic (Parking) Amendment Act 1993.

5 Commencement

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

Amendment of Traffic Act 1909 No. 5

3. The Traffic Act 1909 is amended as set out in Schedule 1.

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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Part 3B:

Omit the heading to the Part, insert instead:

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**PART 3B—PARKING METERS AND OTHER PAID
PARKING****Division 1—Preliminary**(2) Section 10Q (**Definitions**):

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(a) Omit paragraph (a) of the definition of “metered space”, insert instead:

(a) at which a parking meter is installed or which is identified as a space or spaces to which a parking meter applies; and

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(b) Omit the definition of “parking meter”, insert instead:

“parking meter” means a device designed to indicate or capable of indicating whether the fee determined by the council concerned in respect of any vehicle parking in a metered space to which the device applies has been paid and includes the stand on which such a device is erected;

Traffic (Parking) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (c) Insert in alphabetical order:
- “pay parking space”** means a pay parking space provided under section 10T, including a space provided under section 10T (3); 5
- (3) Division 2 (heading):
After section 10Q, insert:
- Division 2—Parking meters**
- (4) Section 10R (**Parking meters**):
- (a) Omit section 10R (1) (b), insert instead: 10
 (b) install a parking meter in respect of any such metered space or spaces in accordance with this section;
- (b) After section 10R (2), insert:
 (3) Parking meters may only be installed at the space to which they apply or, if one parking meter applies to more than one space, in the immediate vicinity of those spaces. 15
- (5) Sections 10T–10VD:
Omit sections 10T–10V, insert instead:
- Division 3—Other paid parking**
- Pay parking spaces** 20
- 10T. (1) A council may do all or any of the following:
- (a) provide in any public street in the area of the council, with the written approval of the Authority, parking spaces where parking may be paid for by means other than parking meters; 25
- (b) provide, in accordance with the regulations (if any), and with the written approval of the Authority, for the means of payment for the parking of vehicles in the spaces;
- (c) fix, by resolution of the council, the fees that may be charged for parking in the spaces (subject to any maximum fee prescribed by the regulations). 30

Traffic (Parking) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

(2) For the purposes of this section, a parking space is provided if it has been designated as a pay parking space in the manner prescribed by the regulations.

5 (3) Without limiting subsection (1) (a), a council may provide a parking space in a public street in the area of the council where metered spaces are provided. The council may not recover the fee fixed in respect of any vehicle parking in such a metered space if any other applicable parking fee has been paid.

10 (4) The council may, under this section, set aside a parking space in a public street on land that is not owned by the council, but only with the approval of the owner of that land.

15 (5) A device for use in relation to payment for parking a vehicle in a space provided under this section may be installed by a council, in accordance with subsection (1) (b), despite the provisions of any other Act.

Common pay parking schemes

20 10U. (1) A council may, with the written approval of the Authority, agree with one or more other councils concerning the provision of pay parking on a common payment basis.

25 (2) The councils must, by resolution, fix fees on a common basis that are to be charged for parking in spaces covered by the agreement (subject to any maximum fee prescribed by the regulations).

Failure to comply with approval

30 10V. (1) A council is taken not to have approval to provide a pay parking space, and is not entitled to charge for parking in the space, if the council fails to comply with a condition of any relevant approval given by the Authority under this Division in relation to that space.

(2) For the purposes of this section, a council is taken to have complied with an approval until the contrary is proved.

35 (3) The regulations may provide for defences to offences relating to pay parking spaces in respect of which a council has failed to comply with an approval given by the Authority under this Division.

Traffic (Parking) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

Pay parking in public reserves

10VA. Nothing in this Division affects any other power of the council to provide for parking in a public reserve controlled by the council. 5

Division 4—Miscellaneous

Powers of police in emergency

10VB. (1) A police officer may, during a temporary obstruction or danger to traffic or in an emergency:

- (a) direct a person not to cause or permit any vehicle to park in a metered space or a pay parking space; or 10
- (b) direct the owner or driver of a vehicle parking or standing in any such space to remove the vehicle from the space; or
- (c) if no person appears to be in charge of a vehicle standing in any such space—remove the vehicle from the space. 15

(2) A person who, without reasonable excuse, fails to comply with the direction of a police officer under this section is guilty of an offence. 20

Maximum penalty: 5 penalty units.

Application of money from parking

10VC. (1) The costs of administering this Part in relation to a local government area are to be borne by the council of that area. 25

(2) Those costs are taken to include the following:

- (a) the cost of providing, controlling, maintaining and regulating metered spaces and the parking meters installed in respect of those spaces;
- (b) the cost of providing, controlling, maintaining and regulating pay parking; 30
- (c) the cost of providing and maintaining signs or other devices and marking lines to indicate the position of metered spaces or pay parking spaces or to indicate the places in any public street within the area of the council concerned where a vehicle (other than a public vehicle) may stop or park. 35

*Traffic (Parking) Amendment 1993*SCHEDULE 1—AMENDMENTS—*continued*

5 (3) All fees that a council collects in respect of the operation of parking meters or pay parking belong to the council, subject to any regulations made in relation to fees collected by councils participating in an agreement under section 10U.

10 (4) Any surplus arising from the operation of parking meters or pay parking must be applied towards the cost of providing, improving or managing the following:

- (a) roads;
- (b) traffic facilities;
- (c) parking facilities;
- (d) public transport facilities.

15 (5) A council must pay to the Authority such amount as is agreed on by the Authority and the council in respect of costs referred to in subsection (2) (c).

20 (6) Any dispute arising under this section between the council and the Authority is to be resolved by consultation between the Minister for Local Government and Co-operatives and the Minister administering this Act, or, if agreement cannot be reached, by the Premier.

Regulations relating to parking

25 10VD. Regulations may be made for carrying this Part into effect and, in particular, for or with respect to the following:

- 25 (a) regulating the installation and use of parking meters and the stopping or parking of any vehicle in a metered space;
- 30 (b) without limiting paragraph (a), regulating the distance between parking meters and the metered spaces to which they apply and the manner in which parking meters are to operate;
- (c) prescribing the manner for designating pay parking spaces;
- 35 (d) regulating the methods of payment for pay parking and the stopping or parking of any vehicle in a pay parking space;

Traffic (Parking) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (e) without limiting paragraph (d), providing for the installation of any device for use in relation to payment for pay parking;
 - (f) prescribing offences relating to devices, documents or other things used in relation to payment for pay parking; 5
 - (g) regulating pay parking that is provided on a common payment basis by councils, including regulating the entitlement of the councils to fees received under the common pay parking scheme and providing for common means of payment for parking; 10
 - (h) the maximum fee that may be fixed by resolution of a council in respect of any vehicle parking in a metered space or a pay parking space. 15
- (6) Schedule 1 (**Savings, transitional and other provisions**):
At the end of clause 1 (1), insert:
Traffic (Parking) Amendment Act 1993;
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SECOND PRINT

TRAFFIC (PARKING) AMENDMENT BILL 1993

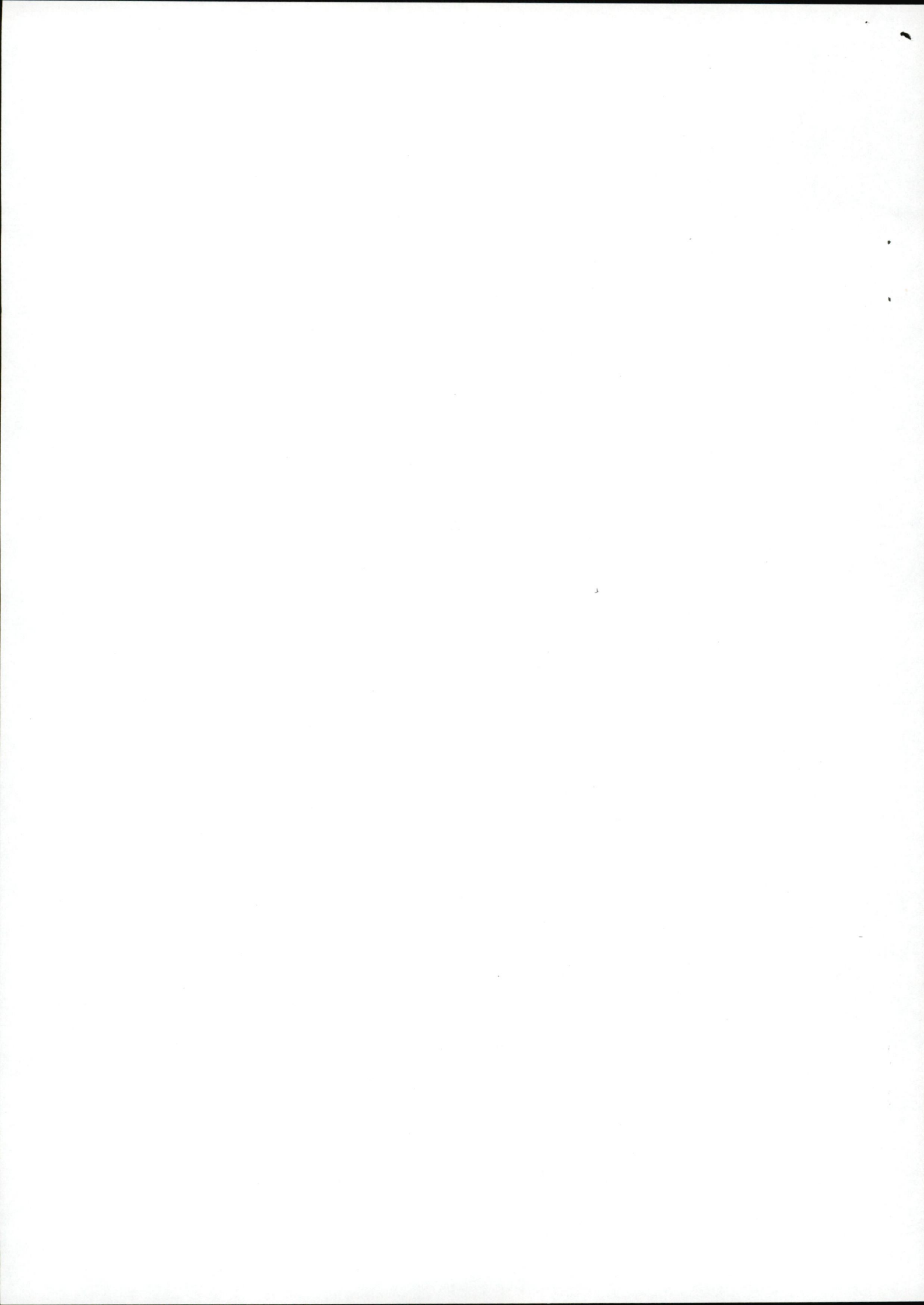
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Traffic Act 1909 No. 5

SCHEDULE 1—AMENDMENTS



This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly.

NEW SOUTH WALES



Act No. , 1993

An Act to amend the Traffic Act 1909 with respect to paid parking on public streets and to make further provision with respect to parking meters; and for other purposes.

*Traffic (Parking) Amendment 1993***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Traffic (Parking) Amendment Act 1993.

5 Commencement

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

Amendment of Traffic Act 1909 No. 5

3. The Traffic Act 1909 is amended as set out in Schedule 1.

10

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Part 3B:

Omit the heading to the Part, insert instead:

15

**PART 3B—PARKING METERS AND OTHER PAID
PARKING****Division 1—Preliminary**(2) Section 10Q (**Definitions**):

20

(a) Omit paragraph (a) of the definition of “metered space”, insert instead:

(a) at which a parking meter is installed or which is identified as a space or spaces to which a parking meter applies; and

25

(b) Omit the definition of “parking meter”, insert instead:

“**parking meter**” means a device designed to indicate or capable of indicating whether the fee determined by the council concerned in respect of any vehicle parking in a metered space to which the device applies has been paid and includes the stand on which such a device is erected;

Traffic (Parking) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (c) Insert in alphabetical order:
 “pay parking space” means a pay parking space provided under section 10T, including a space provided under section 10T (3); 5
- (3) Division 2 (heading):
 After section 10Q, insert:
 Division 2—Parking meters
- (4) Section 10R (**Parking meters**):
- (a) Omit section 10R (1) (a), insert instead: 10
 (a) provide, in accordance with guidelines issued by the Authority for the provision of metered spaces, metered spaces in any public street in the area of the council;
- (b) Omit section 10R (1) (b), insert instead:
 (b) install a parking meter in respect of any such metered space or spaces in accordance with this section; 15
- (c) From section 10R (1) (c), omit “(subject to any maximum prescribed by the regulations)”.
- (d) After section 10R (2), insert:
 (3) Parking meters may only be installed at the space to which they apply or, if one parking meter applies to more than one space, in the immediate vicinity of those spaces. 20
 (4) The Authority must issue written guidelines to councils as to the provision of metered spaces. The Authority may from time to time amend and revoke any such guidelines. 25
- (5) Sections 10T–10VE:
 Omit sections 10T–10V, insert instead:
 Division 3—Other paid parking
 Pay parking spaces
 10T. (1) A council may do all or any of the following: 30
 (a) provide, in accordance with guidelines issued by the Authority for the provision of pay parking spaces, in any public street in the area of the council parking spaces where parking may be paid for by means other than parking meters; 35

Traffic (Parking) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

5 (b) provide, in accordance with the regulations (if any),
and with the written approval of the Authority, for the
means of and schemes for payment for the parking of
vehicles in the spaces;

(c) fix, by resolution of the council, the fees that may be
charged for parking in the spaces.

10 (2) For the purposes of this section, a parking space is
provided if it has been designated as a pay parking space in
the manner prescribed by the regulations.

15 (3) Without limiting subsection (1) (a), a council may
provide a parking space in a public street in the area of the
council where metered spaces are provided. The council may
not recover the fee fixed in respect of any vehicle parking in
such a metered space if any other applicable parking fee has
been paid.

20 (4) The council may, under this section, set aside a parking
space in a public street on land that is not owned by the
council, but only with the approval of the owner of that land.

(5) A device for use in relation to payment for parking a
vehicle in a space provided under this section may be
installed by a council, in accordance with subsection (1) (b),
despite the provisions of any other Act.

25 (6) The Authority must issue written guidelines to councils
as to the provision of pay parking spaces and may also issue
guidelines as to schemes for payment for the parking of
vehicles in such spaces. The Authority may from time to time
amend and revoke any such guidelines.

Common pay parking schemes

30 10U. (1) A council may, in accordance with guidelines
issued by the Authority for the provision of pay parking on a
common payment basis, agree with one or more other
councils concerning the provision of pay parking on a
common payment basis.

35 (2) The councils must, by resolution, fix fees on a common
basis that are to be charged for parking in spaces covered by
the agreement.

Traffic (Parking) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

(3) The Authority must issue written guidelines to councils as to the provision of pay parking on a common payment basis. The Authority may from time to time amend and revoke any such guidelines. 5

Failure to comply with approval or guidelines

10V. (1) A council is not entitled to provide or to charge for parking in a pay parking space if the council fails to comply with an applicable guideline made by the Authority under this Division or, in a case where approval has been given under section 10T (1) (b), fails to comply with a condition of that approval. 10

(2) For the purposes of this section, a council is taken to have complied with a guideline or an approval until the contrary is proved. 15

(3) The regulations may provide for defences to offences relating to pay parking spaces in respect of which a council has failed to comply with a guideline or an approval given by the Authority under this Division.

Pay parking in public reserves 20

10VA. Nothing in this Division affects any other power of the council to provide for parking in a public reserve controlled by the council.

Division 4—Miscellaneous

Powers of police in emergency 25

10VB. (1) A police officer may, during a temporary obstruction or danger to traffic or in an emergency:

(a) direct a person not to cause or permit any vehicle to park in a metered space or a pay parking space; or

(b) direct the owner or driver of a vehicle parking or standing in any such space to remove the vehicle from the space; or 30

(c) if no person appears to be in charge of a vehicle standing in any such space—remove the vehicle from the space. 35

Traffic (Parking) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

(2) A person who, without reasonable excuse, fails to comply with the direction of a police officer under this section is guilty of an offence.

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Maximum penalty: 5 penalty units.

Application of money from parking

10VC. (1) The costs of administering this Part in relation to a local government area are to be borne by the council of that area.

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(2) Those costs are taken to include the following:

(a) the cost of providing, controlling, maintaining and regulating metered spaces and the parking meters installed in respect of those spaces;

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(b) the cost of providing, controlling, maintaining and regulating pay parking;

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(c) the cost of providing and maintaining signs or other devices and marking lines to indicate the position of metered spaces or pay parking spaces or to indicate the places in any public street within the area of the council concerned where a vehicle (other than a public vehicle) may stop or park.

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(3) All fees that a council collects in respect of the operation of parking meters or pay parking belong to the council, subject to any regulations made in relation to fees collected by councils participating in an agreement under section 10U.

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(4) Any surplus arising from the operation of parking meters prior to 1 July 1993 must be applied towards the cost of providing, improving or managing the following:

(a) roads;

(b) traffic facilities;

(c) parking facilities;

(d) other public transport facilities.

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(5) Any surplus arising from the operation of parking meters on or after 1 July 1993, or of pay parking on or after the commencement of this section, may be applied at the discretion of the council.

Traffic (Parking) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

(6) A council must pay to the Authority such amount as is agreed on by the Authority and the council in respect of costs referred to in subsection (2) (c).

Disputes

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10VD. Any dispute arising under this Division between the council and the Authority is to be resolved by consultation between the Minister for Local Government and Co-operatives and the Minister administering this Act, or, if agreement cannot be reached, by the Premier.

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Regulations relating to parking

10VE. Regulations may be made for carrying this Part into effect and, in particular, for or with respect to the following:

(a) regulating the installation and use of parking meters and the stopping or parking of any vehicle in a metered space;

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(b) without limiting paragraph (a), regulating the distance between parking meters and the metered spaces to which they apply and the manner in which parking meters are to operate;

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(c) prescribing the manner for designating pay parking spaces;

(d) regulating the methods of payment for pay parking and the stopping or parking of any vehicle in a pay parking space;

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(e) without limiting paragraph (d), providing for the installation of any device for use in relation to payment for pay parking;

(f) prescribing offences relating to devices, documents or other things used in relation to payment for pay parking;

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(g) regulating pay parking that is provided on a common payment basis by councils, including regulating the entitlement of the councils to fees received under the common pay parking scheme and providing for common means of payment for parking.

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Traffic (Parking) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

(6) Schedule 1 (Savings, transitional and other provisions):

At the end of clause 1 (1), insert:

Traffic (Parking) Amendment Act 1993;
