

**1993—No. 397**

**PARKING SPACE LEVY ACT 1992—REGULATION**

(Relating to exemptions and arrangements for payments)

NEW SOUTH WALES



*[Published in Gazette No. 91 of 20 August 1993]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Parking Space Levy Act 1992, has been pleased to make the Regulation set forth hereunder.

BRUCE BAIRD, M.P.,  
Minister for Transport, and Minister for Roads.

**Commencement**

**1.** This Regulation commences on 1 September 1993.

**Amendment**

**2.** The Parking Space Levy Regulation 1992 is amended:

(a) by inserting after clause 4 the following clause:

**Other circumstances of exemption of parking space**

4A. (1) For the purposes of section 7 (3) of the Act, a parking space is an exempt parking space if it is set aside or used exclusively for one or more of the following purposes:

- (a) the parking, without charge, of an ambulance, fire brigade motor vehicle or police motor vehicle, if the parking space is the one used for garaging the vehicle overnight;
- (b) the parking, without charge, of a mobile crane, a forklift truck, a tractor or a front-end loader;

- (c) the parking, without charge, of a vehicle which is used only for carrying out deliveries or only for the provision of services, if the parking space is the one used for garaging the vehicle overnight on premises owned or occupied by the owner of the vehicle;
- (d) any purpose specified in section 7 (2) of the Act.

(2) This clause applies to a parking space with effect from 1 July 1993.

- (b) by omitting clause 6 (4);
- (c) by inserting after clause 6 the following clause:

**Period when tenants' parking space is not a parking space**

6A. (1) For the purposes of the Act, the length of time in any financial year for which a parking space is not a parking space to which the Act applies is the number of days during that year on which the parking space:

- (a) was not subject to a lease or licence under which a tenant of part or all of the premises in which the space is located had exclusive use of the space; and
- (b) was not available for use except under such a lease or licence.

(2) This clause applies to a parking space with effect from 1 July 1993 and does not limit the operation of clause 6.

(d) by omitting the matter numbered 6–10 in columns 1 and 2 of the Table to clause 11 and by inserting instead the following matter:

6.	A person in a statutory position (or any position in the service of the Crown not otherwise covered in this Table)	The person who for the time being makes appointments to such a position or, if made by the Governor, the Minister who for the time being makes recommendations for appointments to such a position
7.	A person holding the office of a member of the Legislative Council	The Clerk of the Parliaments
8.	A person in a position in the service of the Legislative Council	The Clerk of the Parliaments

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9.	A person holding the office of a member of the Legislative Assembly	The Clerk of the Legislative Assembly
10.	A person in a position in the service of the Legislative Assembly	The Clerk of the Legislative Assembly
11.	A member of the joint personnel of Parliament	The Clerk of the Parliaments and the Clerk of the Legislative Assembly
12.	A person holding the office of a Minister of the Crown	The Treasurer

(e) by inserting after the Table to clause 11 the following subclause:

(3) An amendment to the Table to this clause does not apply in respect of an arrangement in force under section 17 of the Act immediately before the commencement of the amendment, and that Table as in force when the arrangement was entered into continues to apply in respect of the arrangement for the term of the arrangement.

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#### EXPLANATORY NOTE

The purpose of this Regulation is to amend the Parking Space Levy Regulation 1993:

- (a) to exempt parking spaces used exclusively for the garaging of emergency vehicles, loading machines or delivery vehicles;
- (b) to ensure that no levy is payable for any portion of a year when a parking space set aside for use by tenants under lease or licence has not actually been made the subject of such a lease or licence;
- (c) to prescribe with more precision the person with whom certain persons in the public sector must make arrangements for the payment of the parking space levy.

The amendments take effect in respect of the 1993–1994 financial year by virtue of the transitional provisions contained in this Regulation pursuant to section 31 (3) of the Act and by virtue of the periods to which this Regulation is expressed to relate.

This Regulation is made under sections 7, 8, 17 and 31 of the Parking Space Levy Act 1992.

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