

TRAFFIC (PARKING) AMENDMENT ACT 1994 No. 8

NEW SOUTH WALES



TABLE OF PROVISIONS

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

SCHEDULE 1—AMENDMENTS

TRAFFIC (PARKING) AMENDMENT ACT 1994 No. 8

NEW SOUTH WALES



Act No. 8, 1994

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. [Assented to 2 May 1994]

Traffic (Parking) Amendment Act 1994 No. 8

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Traffic (Parking) Amendment Act 1994.

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.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Part 3B:

Omit the heading to the Part, insert instead:

**PART 3B—PARKING METERS AND OTHER PAID
PARKING**

Division 1—Preliminary

(2) Section 10Q (**Definitions**):

(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

(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;

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);

(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:

(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) From 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;

(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.

(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.

(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:

(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;

SCHEDULE 1—AMENDMENTS—continued

- (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.

(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.

(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.

(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.

(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

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.

(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.

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.

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.

(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.

(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

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**

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

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.

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.

(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;
- (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.

(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.

(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.

(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.

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

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.

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

Traffic (Parking) Amendment Act 1994 No. 8

SCHEDULE 1—AMENDMENTS—*continued*

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

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

Traffic (Parking) Amendment Act 1994;

*[Minister's second reading speech made in—
Legislative Assembly on 27 October 1993
Legislative Council on 13 April 1994]*