



New South Wales

Parking Space Levy Amendment Act 2000 No 27

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Parking Space Levy Amendment Act 2000 No 27

Act No 27, 2000

An Act to amend the *Parking Space Levy Act 1992* to increase the rate of parking space levy payable in respect of certain areas and to make further provision for the extension of the levy to other areas; and for other purposes. [Assented to 5 June 2000]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Parking Space Levy Amendment Act 2000*.

2 Commencement

This Act commences or is taken to have commenced on 1 July 2000.

3 Amendment of Parking Space Levy Act 1992 No 32

The *Parking Space Levy Act 1992* is amended as set out in Schedule 1.

4 Amendment of Parking Space Levy Regulation 1997

The *Parking Space Levy Regulation 1997* is amended as set out in Schedule 2.

Schedule 1 Amendment of Parking Space Levy Act 1992

(Section 3)

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

Category 1 area means:

- (a) the City of Sydney, or
- (b) any area prescribed by the regulations as a Category 1 area for the purposes of this Act.

Category 2 area means any area prescribed by the regulations as a Category 2 area for the purposes of this Act.

[2] Section 4 (4) and (5)

Insert after section 4 (3):

- (4) A reference in this Act to a financial year of a specified year is a reference to the financial year that commences on 1 July in the specified year. For example, a reference to the 2000 financial year is a reference to the financial year that commences on 1 July 2000.
- (5) The regulations may (for the purposes of the definitions of *Category 1 area* and *Category 2 area* in subsection (1)) prescribe an area as a Category 1 area or Category 2 area by reference to local government areas (or parts of local government areas), boundaries or plans or otherwise.

[3] Sections 6 and 6A

Omit section 6. Insert instead:

6 Premises to which this Act applies

This Act applies to premises within a Category 1 area or Category 2 area.

6A Special provisions when Act extended to new area

- (1) This section applies to premises that become premises to which this Act applies as a result of the area in which they are located being prescribed by the regulations as a Category 1 area or Category 2 area.
- (2) When premises first become premises to which this Act applies after the commencement of this section, section 9 applies in respect of those premises as if the reference in section 9 (1) to “the previous financial year” were a reference to “the financial year commencing on that 1 July”. This subsection applies only for the purposes of the first levy payable under this Act in respect of those premises.
- (3) The following provisions apply in respect of the levy (*the first levy*) for a parking space on premises that becomes payable on 1 September immediately following the date on which the premises first become premises to which this Act applies:
 - (a) section 13 does not apply to that first levy,
 - (b) if the parking space does not, or will not, exist as a parking space to which this Act applies for a part or all of the current financial year (the year commencing on 1 July immediately preceding that 1 September), the owner by whom the levy is payable may apply to the Chief Commissioner for an appropriate levy credit,
 - (c) the appropriate levy credit is that proportion of the levy that corresponds to the portion of that current financial year for which the space does not, or will not, so exist (but no credit is to be allowed if the proportion is less than one twelfth),
 - (d) once satisfied that grounds for a credit have been established, the Chief Commissioner must set the amount of the credit off against the sum of levies payable by the same owner under this Act, or refund part or all of the credit if the sum has been paid,

- (e) however, if during that current financial year a parking space does exist as a parking space to which this Act applies for that part of the year in respect of which a credit was allowed under this section, the Chief Commissioner may demand that an appropriate amount of levy be paid in respect of that part of the year, and that amount is due and recoverable as a levy payable under this Act.

[4] Section 7 Parking spaces to which this Act applies

Insert “on premises within a Category 1 area or Category 2 area” after “A parking space” in section 7 (2).

[5] Section 7 (2A)

Insert after section 7 (2):

- (2A) A parking space on premises within a Category 2 area is an exempt parking space if the Chief Commissioner is satisfied that the parking space is set aside for or used exclusively for the parking of a motor vehicle:
 - (a) by customers of a retail shop, or
 - (b) by guests or customers of a hotel or motel, or
 - (c) by members and guests of members of a registered club, or
 - (d) by customers of a restaurant, or
 - (e) by patients of a medical centre, or
 - (f) by customers of a car sales establishment, car servicing or repair centre, or car wash, or
 - (g) by clients and guests of clients of a funeral parlour, or
 - (h) that is displayed or stored on the premises for the purpose of its being offered for sale or hire on the premises.

[6] Section 7 (4)

Insert “or (2A)” after “subsection (2)”.

[7] Section 11

Omit the section. Insert instead:

11 Amount of levy

- (1) The amount of the levy that is payable on 1 September in each of the financial years from 1992 to 1996 (both years inclusive) is \$200 for each parking space for which the levy is payable.
- (2) The amount of the levy that is payable on 1 September in each of the financial years from 1997 to 1999 (both years inclusive) is \$400 for each parking space for which the levy is payable.
- (3) The amount of the levy that is payable on 1 September in the 2000 financial year and on 1 September in each financial year after 2000 is:
 - (a) \$800 for each parking space within a Category 1 area for which the levy is payable, or
 - (b) \$400 for each parking space within a Category 2 area for which the levy is payable.

[8] Section 12

Omit the section. Insert instead:

12 CPI adjustment of levy

- (1) The amounts of \$800 and \$400 in section 11 (3) are *base amounts* and can be adjusted from time to time as provided by this section for a financial year after 2000 to produce an *adjusted amount* for the financial year.
- (2) A base amount is adjusted for a financial year by adjusting the amount in accordance with the percentage change in the CPI that took place over the period from 31 March 1999 to 31 March in the financial year immediately preceding the financial year for which the adjustment is made. The adjusted amount is to be rounded up or down to the nearest \$10.
- (3) An adjusted amount for a financial year replaces the relevant base amount in section 11 (3) for the purposes of the operation of section 11 (3) in respect of that financial year.

- (4) An adjusted amount for a financial year also applies under this section for each subsequent financial year until the relevant base amount is again adjusted under this section for a subsequent financial year.
- (5) A base amount is not adjusted as provided by this section unless the Chief Commissioner publishes a notice of the adjusted amount in the Gazette before 1 July in the financial year for which the base amount is adjusted.
- (6) In this section:
the CPI means the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician (or such other economic index as the regulations prescribe).

[9] Section 14 Statutory trust

Omit “prescribed under section 6”.

Insert instead “prescribed as a Category 1 area or Category 2 area”.

[10] Schedule 1, heading

Omit the heading to Schedule 1. Insert instead:

Schedule 1 Savings, transitional and other provisions

[11] Schedule 1, clause 3

Insert after clause 2:

3 Operation of 2000 amendments

- (1) In this clause:
the amending Act means the *Parking Space Levy Amendment Act 2000*.
- (2) Subsections (1) and (2) of section 11 (as substituted by the amending Act) are taken to have been in force on and from the commencement of this Act.

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Schedule 1 Amendment of Parking Space Levy Act 1992

- (3) Accordingly, the imposition, payment and recovery of a levy under this Act is taken to have been validly done to the extent that it would have been validly done had those subsections (as so substituted) been in force on and from that commencement.
- (4) Section 6A (Special provisions when Act extended to new area) extends to the areas prescribed by the regulations as Category 2 areas on the commencement of that section but does not apply to the area prescribed by the regulations as a Category 1 area on that commencement.
- (5) Sections 39, 40 and 41 of the *Interpretation Act 1987* do not apply to the amendments made by the amending Act to the *Parking Space Levy Regulation 1992*.

Schedule 2 Amendment of Parking Space Levy Regulation 1997

(Section 4)

Clause 5

Omit the clause. Insert instead:

5 Additional areas of application of Act

- (1) Each area described in Part 1 of the Table to this clause is prescribed as a Category 1 area for the purposes of the Act.
- (2) Each area described in Part 2 of the Table to this clause is prescribed as a Category 2 area for the purposes of the Act.

Table

Part 1—Category 1 areas

That part of the North Sydney local government area shown edged with a heavy broken line on the plan entitled *Parking Space Levy Act 1992 Additional Area of Application*, signed by the Minister, dated 1 July 1992 and deposited in the office of the Department of Transport in Sydney.

Part 2—Category 2 areas

Those parts of Bondi Junction, Chatswood, Parramatta and St Leonards shown edged with a heavy broken line on the plan entitled *Parking Space Levy Act 1992—Category 2 Areas*, signed by the Minister, dated 1 July 2000 and deposited in the office of the Department of Transport in Sydney.

[Minister's second reading speech made in—
Legislative Assembly on 5 May 2000 pm
Legislative Council on 31 May 2000]

BY AUTHORITY