



New South Wales

Road Transport (General) Amendment (Private Car Parks) Act 2012 No 86

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Road Transport (General) Amendment (Private Car Parks) Act 2012 No 86

Act No 86, 2012

An Act to amend the *Road Transport (General) Act 2005* in relation to disclosure of information by Roads and Maritime Services in connection with the recovery of private car park fees. [Assented to 20 November 2012]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Road Transport (General) Amendment (Private Car Parks) Act 2012*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Road Transport (General) Act 2005 No 11

[1] Section 244B

Insert after section 244A:

244B Preliminary discovery of information for recovery of private car park fees

- (1) The Authority cannot be required by preliminary discovery to disclose any information about a registrable vehicle or the registered operator of a registrable vehicle (including information contained in a relevant register) if the preliminary discovery is for the purpose of the recovery of private car park fees.
- (2) Preliminary discovery is considered to be for the purpose of the recovery of private car park fees if the preliminary discovery is in connection with ascertaining the identity or whereabouts of a person for the purpose of commencing proceedings against the person for the recovery of private car park fees or is otherwise in connection with the commencement of proceedings for the recovery of private car park fees.

- (3) In this section:

preliminary discovery means an order under Part 5 of the *Uniform Civil Procedure Rules 2005* or any requirement imposed for a similar purpose by or under any other Act, rule or law.

private car park fee means any amount alleged to be payable under the terms and conditions of a contract, arrangement or understanding in relation to the use of a car park (such as an amount payable for the use of the car park and including an amount payable for breaching any such terms and conditions), but not including an amount alleged to be payable under the terms and conditions of a contract that is in writing and signed by the relevant parties.

registered operator and *registrable vehicle* have the same meanings as in the *Road Transport (Vehicle Registration) Act 1997*.

relevant register means a register maintained by the Authority under any Act.

[2] Schedule 1 Savings, transitional and other provisions

Omit clause 1 (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[3] Schedule 1, Part 12

Insert after Part 11:

**Part 12 Provision consequent on enactment of
Road Transport (General) Amendment
(Private Car Parks) Act 2012**

28 Transitional

Section 244B (Preliminary discovery of information for recovery of private car park fees) does not apply in respect of preliminary discovery pursuant to an order made before the commencement of that section but applies in respect of preliminary discovery pursuant to an order made after that commencement even if the application for the order was made before that commencement.

[Second reading speech made in—

Legislative Council on 25 October 2012

Legislative Assembly on 14 November 2012]