



Road Amendment (Parking Schemes) Rules 2012

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Rules under the *Road Transport (Safety and Traffic Management) Act 1999*.

DUNCAN GAY, MLC
Minister for Roads and Ports

Explanatory note

The object of these Rules is to amend the *Road Rules 2008*:

- (a) to provide for offences in relation to parking in phone parking areas and spaces as a consequence of new provision for the establishment of phone parking schemes (being schemes for the payment of parking fees by means of a mobile phone) in the *Road Transport (Safety and Traffic Management) Regulation 1999*, and
- (b) as a consequence of the amendments referred to in paragraph (a), to extend an existing exemption (for cash in transit and escort vehicle drivers) from the offence provisions in the *Road Rules 2008* relating to other pay parking areas, to the offence provisions relating to phone parking areas.

These Rules are made under the *Road Transport (Safety and Traffic Management) Act 1999*, including sections 71, 72 and 72A (the general rule-making power) and Schedule 1.

2012 No 103

Rule 1 Road Amendment (Parking Schemes) Rules 2012

Road Amendment (Parking Schemes) Rules 2012

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Rules

These Rules are the *Road Amendment (Parking Schemes) Rules 2012*.

2 Commencement

These Rules commence on the day on which they are published on the NSW legislation website.

Schedule 1 Amendment of Road Rules 2008

- [1] **Rule 207 (2–1), note 3 and rule 211 (3–1), note 2**
Omit “to 207–7” wherever occurring. Insert instead “to 207–9”.
- [2] **Rule 207–1 NSW rule: parking in metered parking areas**
Omit rule 207–1 (8) (a). Insert instead:
- (a) the space is within another kind of pay parking area and the driver complies with these Rules in relation to parking in the kind of pay parking area concerned, or
- [3] **Rule 207–1 (8), note**
Omit the note. Insert instead:
- Note.** *Controlled parking hours, mobility parking scheme authority, parking permit and pay parking area* are defined in the Dictionary.
- [4] **Rules 207–3 (6) (a) and 207–5 (7) (a)**
Omit the paragraphs. Insert instead:
- (a) the area is, or forms part of, another kind of pay parking area and the driver complies with these Rules in relation to parking in the kind of pay parking area concerned, or
- [5] **Rules 207–3 (6) and 207–5 (7), notes**
Omit the notes wherever occurring. Insert instead:
- Note.** *Controlled parking hours, mobility parking scheme authority, parking permit and pay parking area* are defined in the Dictionary.
- [6] **Rule 207–7 NSW rule: parking in temporarily closed pay parking areas and spaces**
Omit “and 109” from note 2 to the rule. Insert instead “, 109 and 111C”.
- [7] **Rules 207–8 and 207–9**
Insert after rule 207–7:
- 207–8 NSW rule: parking in phone parking areas**
- (1) A driver must not park in a phone parking area without paying the relevant parking fee for the area:
 - (a) for at least the minimum period of time for which parking in the area must be paid for, and

2012 No 103

Road Amendment (Parking Schemes) Rules 2012

Schedule 1 Amendment of Road Rules 2008

- (b) using a phone payment scheme (within the meaning of the *Road Transport (Safety and Traffic Management) Regulation 1999*).

Maximum penalty: 20 penalty units.

Note. *Relevant parking fee* is defined in the Dictionary.

- (2) A **phone parking area** is a parking area designated by one or more *permissible parking signs* where information on or with the sign or signs includes the phrase “PHONE”, but does not include any part of the parking area in which the parking of vehicles is prohibited by another provision of these Rules.

Note. *Parking area* and *with* are defined in the Dictionary.

- (3) A driver does not contravene subrule (1) if the driver parks in a phone parking area before paying the relevant parking fee, so long as the person pays the fee using a phone payment scheme immediately after parking.

- (4) A driver must not allow the driver’s vehicle to remain parked in a phone parking area if the period for which the driver has paid to park in the area using a phone payment scheme has expired.

Maximum penalty: 20 penalty units.

Note. *Driver’s vehicle* is defined in the Dictionary.

- (5) A driver must not allow the driver’s vehicle to remain parked in a phone parking area for more than the period of time indicated on or with the *permissive parking signs* that designate the area as the maximum time for which a vehicle may be parked in the area.

Maximum penalty: 20 penalty units.

- (6) A driver who parks in a phone parking area does not contravene this rule if:

- (a) the area is, or forms part of, another kind of pay parking area and the driver complies with these Rules in relation to parking in the kind of pay parking area concerned, or
- (b) the driver parks for a period not exceeding the period (if any) for which no fee is payable for parking in the area, or
- (c) the driver parks outside the controlled parking hours for the area, or
- (d) the driver’s vehicle is displaying a current mobility parking scheme authority, or
- (e) the driver’s vehicle is displaying a current parking permit while it is parked in the area and the area is located on a

length of road specified in the permit and the area is designated for use by the holder of the permit.

Note 1. *Controlled parking hours, mobility parking scheme authority, parking permit* and *pay parking area* are defined in the Dictionary.

Note 2. This rule is an additional NSW road rule. There is no corresponding rule in the *Australian Road Rules*.

207–9 NSW rule: parking in phone parking spaces

- (1) A driver must not park in any phone parking space:
- (a) while any other vehicle is parked in the space, or
 - (b) in such a manner that any part of the vehicle lies over the markings for the space.

Maximum penalty: 20 penalty units.

- (2) A *phone parking space* is a parking bay in a phone parking area that is indicated by studs, pads, plates or strips.

Note 1. *Parking bay* is defined in the Dictionary, and *phone parking area* is defined in rule 207–8.

Note 2. Most phone parking areas do not have specially designated phone parking spaces.

Note 3. This rule is an additional NSW road rule. There is no corresponding rule in the *Australian Road Rules*.

[8] Rule 313–1 NSW rule: exemptions for cash in transit vehicle drivers and escort vehicle drivers

Insert at the end of Column 1 of the table in rule 313–1 (3):

rule 207–8 (NSW rule: parking in phone parking areas)

rule 207–9 (NSW rule: parking in phone parking spaces)

[9] Dictionary

Insert in alphabetical order:

phone parking area—see rule 207–8.

Note. This is an additional NSW definition. There is no corresponding definition in the Dictionary of the *Australian Road Rules*.

phone parking space—see rule 207–9.

Note. This is an additional NSW definition. There is no corresponding definition in the Dictionary of the *Australian Road Rules*.

2012 No 103

Road Amendment (Parking Schemes) Rules 2012

Schedule 1 Amendment of Road Rules 2008

[10] Dictionary, definition of “pay parking area”

Insert at the end of paragraph (c):

, or

(d) a phone parking area.

[11] Dictionary, note 1 to definition of “pay parking area”

Insert “, *phone parking area* is defined in rule 207–8” after “rule 207–1”.

[12] Dictionary, definition of “pay parking space”

Insert at the end of paragraph (c):

, or

(d) a phone parking space.

[13] Dictionary, note 1 to definition of “pay parking space”

Insert “, *phone parking space* is defined in rule 207–9” after “rule 207–1”.