



# Road Transport (Safety and Traffic Management) Amendment (Parking Schemes) Regulation 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 Regulation under the *Road Transport (Safety and Traffic Management) Act 1999*.

DUNCAN GAY, MLC  
Minister for Roads and Ports

## Explanatory note

The object of this Regulation is to amend the *Road Transport (Safety and Traffic Management) Regulation 1999* to provide for the establishment and operation of phone parking schemes for the payment of parking fees by means of a mobile phone.

This Regulation is made under the *Road Transport (Safety and Traffic Management) Act 1999*, including section 71 (the general regulation-making power) and Schedule 1.

**2012 No 105**

Clause 1 Road Transport (Safety and Traffic Management) Amendment (Parking Schemes) Regulation 2012

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**Road Transport (Safety and Traffic Management) Amendment (Parking Schemes) Regulation 2012**

under the

Road Transport (Safety and Traffic Management) Act 1999

**1 Name of Regulation**

This Regulation is the *Road Transport (Safety and Traffic Management) Amendment (Parking Schemes) Regulation 2012*.

**2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1      Amendment of Road Transport (Safety and Traffic Management) Regulation 1999

### [1]    Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

*phone parking area* has the same meaning as in rule 207–8 of the *Road Rules 2008*.

*phone parking scheme* means a scheme of a kind established in accordance with Division 3A of Part 4.

*phone parking space* has the same meaning as in rule 207–9 of the *Road Rules 2008*.

*phone payment scheme* means a scheme for payment of parking fees by mobile phone that is approved by the Authority and adopted by a parking authority under Division 3A of Part 4 for the purposes of a phone parking scheme.

### [2]    Clause 3 (1), definition of “pay parking area”

Insert “, a phone parking area” after “coupon parking area”.

### [3]    Clause 3 (1), definition of “pay parking scheme”

Insert “, a phone parking scheme” after “metered parking scheme”.

### [4]    Clause 3 (1), definition of “relevant parking fee”

Omit “, means the fee for parking a vehicle in the space, for the day and time during which the vehicle is parked in the space”.

Insert instead “or area, means the fee for parking a vehicle in the space or area, for the day and time during which the vehicle is parked in the space or area”.

### [5]    Clause 3 (1), definition of “relevant parking fee”

Insert at the end of paragraph (b):

, or

- (c) the phone parking signs, or the parking meter or ticket machine, for the area or space (in relation to a phone parking area or a phone parking space).

## 2012 No 105

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Schedule 1 Amendment of Road Transport (Safety and Traffic Management) Regulation 1999

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### [6] Part 4, Division 3A

Insert after Division 3:

### Division 3A Phone parking schemes

#### 111A Phone parking schemes

- (1) A parking authority may, in accordance with Authority guidelines, establish and operate a phone parking scheme for the whole or any part of any road within its area of operations on which is operating a metered parking scheme, a ticket parking scheme or a coupon parking scheme.
- (2) For the purposes of any such phone parking scheme, a parking authority:
  - (a) may, in accordance with Authority guidelines:
    - (i) set aside also as a phone parking area, the whole or any part of a metered parking area, a ticket parking area or a coupon parking area, that is within its area of operations, and
    - (ii) set aside also as a phone parking space, any metered parking space, ticket parking space or coupon parking space, and
  - (b) may fix the fees for the parking of a vehicle in any pay parking area, and
  - (c) may adopt such schemes for payment of such fees by mobile phone as are approved from time to time by the Authority.
- (3) In the case of a council, the fees for phone parking areas are to be fixed by resolution of the council.
- (4) In the case of a declared organisation, the fees for phone parking areas are to be fixed in accordance with pricing principles set out in Authority guidelines.
- (5) Different fees may be fixed for different phone parking areas and for different days and different times of day.

**Note.** Rules 207–8 and 207–9 of the *Road Rules 2008* make provision for parking in phone parking areas and spaces. Clause 3 (1) defines a **phone parking area** and **phone parking space** to have the same meanings as in rules 207–8 and 207–9, respectively.

#### 111B Display of information relating to phone parking

The following information must be displayed clearly on phone parking signs for a phone parking area, or on a parking meter or

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a parking ticket machine for a parking space or area that is also designated as a phone parking space or phone parking area:

- (a) a location number and phone number for the phone parking scheme,
- (b) such other information as may be set out in the Authority guidelines for the purposes of this clause.

**111C Temporary closure of phone parking areas and spaces**

- (1) A parking authority may, if it decides that the use of a phone parking area or phone parking space should be temporarily discontinued, close the area or the space.
- (2) A phone parking area or phone parking space is closed for the purposes of subclause (1) if a sign displaying words to the effect that the area or space is temporarily closed is erected in, or in close proximity to, the area or space.

**Note.** A driver who parks in a space or area that is temporarily closed under this clause may commit an offence under rule 207–7 of the *Road Rules 2008*.

**111D Duration of parking in phone parking areas and spaces**

A phone parking period takes effect on the date and at the time the parking period is initiated by mobile phone in accordance with the protocols of the provider of the phone payment scheme and expires when the session is ended in accordance with those protocols.

**[7] Clause 112 Councils' common pay parking schemes**

Insert “, phone parking schemes” after “ticket parking schemes” in clause 112 (1).

**[8] Clause 112 (2)**

Insert “, phone parking areas” after “ticket parking areas”.

**[9] Clause 113 Authority guidelines and approval**

Omit “or 107, the parking authority is not entitled to provide or to charge for parking in a metered space,” from clause 113 (2).

Insert instead “, 107 or 111A, the parking authority is not entitled to provide or charge for parking in a metered space, a phone parking area,”.

**[10] Clause 115 Overlapping schemes**

Insert “, a phone parking area” after “a ticket parking area” in clause 115 (2).