

Act 1994 No. 8

TRAFFIC (PARKING) AMENDMENT BILL 1993*

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Traffic Act 1909:

to provide for the provision of paid parking (in addition to metered parking) by councils (for example, parking might be paid for by using pre-paid parking tickets); and

to permit the use of a single parking meter in connection with more than one parking space; and

to provide that surplus revenue from the use of parking meters and pay parking is to be utilised by councils to establish, improve or manage road, traffic, parking or public transport facilities.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision which gives effect to the Schedule of amendments to the Traffic Act 1909.

SCHEDULE 1—AMENDMENTS

Pay parking

Schedule 1 (5) inserts new Divisions 3 and 4 (containing proposed sections 10T–10VD) into Part 3B of the Act.

*Amended in committee—see table at end of volume.

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Proposed section 10T empowers a council (with the approval of the Roads and Traffic Authority) to provide pay parking spaces in public streets in the area of the council. The council is authorised to provide for the means of payment and to set the relevant fees for pay parking (subject to any maximum fee prescribed by the regulations).

Proposed section 10U enables councils to enter into agreements concerning the provision of pay parking on a common payment basis. Common fees for such parking are to be fixed by the councils.

Proposed section 10V provides that a council is taken not to have approval to provide a pay parking space and is not entitled to charge for parking in the space if it fails to comply with a condition of a relevant approval given by the Roads and Traffic Authority.

Proposed section 10VA makes it clear that the proposed Division does not affect any other power of a council to provide parking in a reserve.

Proposed section 10VB empowers a police officer, in an emergency, to direct the removal of a vehicle from a pay parking space or, if necessary, to cause the vehicle to be removed. (The proposed section also restates a similar existing power of the police in respect of metered spaces.) It will be an offence with a maximum penalty of 5 penalty units (currently \$500) to fail to comply with a direction under the proposed section.

Proposed section 10VC requires councils to bear the cost of providing and maintaining metered parking and pay parking. The proposed section allows councils to collect the revenue received from metered parking and pay parking. That revenue is to be used to meet the costs of pay parking, with any surplus available for use in providing road, traffic, parking and public transport facilities.

Proposed section 10VD enables regulations to be made with respect to the manner for designating pay parking spaces, methods of payment for pay parking, offences in relation to devices or other things used in relation to payment for pay parking, common schemes for pay parking and the maximum fees that may be fixed by a council in respect of pay parking.

Schedule 1 (2) (c) inserts a definition of "pay parking space" in section 10Q of the Act for the purposes of new Divisions 3 and 4.

Schedule 1 (1) and (3) make minor amendments consequential on the insertion of new Divisions 3 and 4.

Parking meters

Schedule 1 (4) (b) amends section 10R to allow a parking meter to be used in connection with more than one parking space (currently the Act restricts the use of a parking meter to only one parking space). Schedule 1 (2) (a) and (b) and (4) (a) are consequential on that amendment.

Proposed section 10VD (inserted by Schedule 1 (5)) restates the existing power in the Act to make regulations with respect to the installation and use of parking meters and parking in metered spaces.

Other

Schedule 1 (6) amends Schedule 1 to the Act to enable regulations of a savings or transitional nature to be made consequent on the enactment of the proposed Act.
