

[Act 1998 No 20]



New South Wales

Traffic Amendment (Pay Parking Schemes) Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Traffic Act 1909* to allow declared public authorities to establish and operate pay parking schemes on public streets under their control. Currently, only local councils have authority to operate such parking schemes. The Bill also replaces the existing expression “pay parking space” with the expression “pay parking area” to more accurately reflect the concept being described.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act (except section 4) on a day or days to be appointed by proclamation. Section 4 is to commence on the commencement of the proposed Act or the commencement of the *Traffic Legislation Amendment Act 1997*, whichever occurs later.

Clause 3 is a formal provision giving effect to the amendments to the *Traffic Act 1909* (“the Principal Act”) set out in Schedule 1.

Clause 4 provides for all references to “public street” and “public streets” in Part 3B of the Principal Act (as amended by the proposed Act) to become references to “road or road related area” and “roads or road related areas” respectively. This reflects similar amendments made to the Principal Act by the Traffic Legislation Amendment Act 1997, as yet uncommenced.

Schedule 1 Amendments

Schedule 1 [1] amends the heading to Part 3B of the Principal Act to more accurately reflect the provisions of the Part.

Schedule 1 [2] inserts definitions of *area of operations, Authority guidelines, declared public authority, metered parking scheme, pay parking agency, pay parking area, pay parking device* and *pay parking scheme* into section 10Q of the Principal Act.

Schedule 1 [3] extends the definition of *parking meter* in section 10Q of the Principal Act to include meters installed by declared public authorities.

Schedule 1 [4] replaces the definition of *pay parking space* in section 10Q of the Principal Act. The new definition is comparable to the existing definition of *metered space*.

Schedule 1 [5] and **[7]** amend the headings to Division 2 and Division 3 of Part 3B of the Principal Act, respectively, to more accurately reflect the provisions of those Divisions.

Schedule 1 [6] replaces section 10R of the Principal Act to extend to declared public authorities the power to establish and operate metered parking schemes in public streets under their control. Currently, only councils have this power.

Schedule 1 [8] replaces section 10T of the Principal Act to extend to declared public authorities the power to establish and operate pay parking schemes (other than metered parking schemes) in public streets under their control. Currently, only councils have this power. Schedule 1 [8] also replaces the concept of a pay parking space with the concept of a pay parking area.

Schedule 1 [9] and [14] replace section 10U and amend section 10VC of the Principal Act, respectively, as a consequence of the replacement of the concept of a pay parking space with the concept of a pay parking area in section 10T.

Schedule 1 [10] omits sections 10V and 10VA from Division 3 of Part 3B of the Principal Act and **Schedule 1 [11]** re-inserts those sections into Division 4 of Part 3B.

Schedule 1 [11] also inserts section 10VAA into that Division.

Proposed section 10V substantially re-enacts and amends section 10V of the Principal Act as a consequence of the amendments to sections 10R and 10T extending to declared public authorities the power to establish and operate pay parking schemes, and the replacement of the concept of a pay parking space with the concept of a pay parking area in section 10T. It has been re-enacted in Division 4 to ensure that councils and declared public authorities comply with guidelines made by the Authority in relation to metered parking. The proposed section also substantially re-enacts sections 10R (4), 10T (6) and 10U (3) of the Principal Act to continue the Authority's power to issue guidelines for the purposes of Part 3B.

Proposed section 10VA substantially re-enacts and extends section 10VA of the Principal Act to preserve any other powers of a declared public authority to provide for parking on certain land. Currently, section 10VA preserves only the powers of a council to provide for parking in a public reserve controlled by the council. The proposed section also substantially re-enacts and extends sections 10R (2) and 10T (4) of the Principal Act to permit declared public authorities to establish and operate pay parking schemes on land they do not own, but only with the consent of the owner of that land. Currently, only councils have this power. The proposed section also clarifies the nature of such a consent.

Proposed section 10VAA substantially re-enacts section 10T (3) of the Principal Act and extends it to provide that declared public authorities may also establish and operate two or more pay parking schemes over the same part of a public street. In such a situation, only one parking fee is payable.

Schedule 1 [12] and [13] amend section 10VC of the Principal Act as a consequence of the amendments to sections 10R and 10T extending to declared public authorities the power to establish and operate pay parking schemes.

Schedule 1 [15] and **[16]** make consequential amendments to section 10VC of the Principal Act to reflect the use of the expression *area of operations* and the fact that only councils may establish common pay parking schemes (other than metered parking schemes) under the Principal Act.

Schedule 1 [17] replaces section 10VD of the Principal Act to extend the current dispute resolution mechanism to disputes between two or more pay parking agencies.

Schedule 1 [18] repeals section 10VE (c) of the Principal Act as this regulation-making power is implicit in proposed section 10T.

Schedule 1 [19] extends section 10VE (d) of the Principal Act to allow regulations to be made regulating the stopping or parking of vehicles in pay parking areas and the methods for payment for such parking.

Schedule 1 [20] and **[21]** amend Schedule 1 of the Principal Act to include specific savings and transitional provisions consequent on the enactment of the proposed Act and to allow savings and transitional regulations to be made.