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New South Wales

# Road Transport (General) Amendment (Private Car Parks) Bill 2012

## Explanatory note

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

## Overview of Bill

The object of this Bill is to prevent Roads and Maritime Services from being required by any preliminary discovery process to disclose information about registrable vehicles and registered operators of registrable vehicles if discovery is for the purpose of the recovery of private car park fees. Private car park fees are fees alleged to be payable under the terms and conditions of a contract, arrangement or understanding relating to the use of a car park (but not including car park fees recoverable under a written contract signed by the parties).

## 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 on the date of assent to the proposed Act.

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

**Schedule 1 [1]** inserts proposed section 244B into the *Road Transport (General) Act 2005* to give effect to the object stated in the Overview.

**Schedule 1 [3]** inserts a transitional provision so that the new section will not apply to preliminary discovery orders made before the commencement of the section but will apply to preliminary discovery orders made after that commencement whenever the orders were applied for. **Schedule 1 [2]** provides for the making of savings and transitional regulations.

First print



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## Contents

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	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Road Transport (General) Act 2005 No 11	3





New South Wales

# Road Transport (General) Amendment (Private Car Parks) Bill 2012

No. , 2012

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## A Bill for

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.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Road Transport (General) Amendment (Private Car Parks) Act 2012</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6

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## 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.

<b>[2] Schedule 1 Savings, transitional and other provisions</b>	1
Omit clause 1 (1). Insert instead:	2
(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 4 5
<b>[3] Schedule 1, Part 12</b>	6
Insert after Part 11:	7
<b>Part 12 Provision consequent on enactment of Road Transport (General) Amendment (Private Car Parks) Act 2012</b>	8 9 10
<b>28 Transitional</b>	11
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.	12 13 14 15 16 17