

Local Government Act 1995

**SHIRE OF CARNARVON
PARKING LOCAL LAW 2021**

Published in the Government Gazette on dd mm yy, No 1234
Amended:
Disclaimer: This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

Commented [Chris1]: This appears on the 'admin' or public version of the local law; not the Gazetted or official version. It contains an index and text boxes etc that do not form part of the Gazetted version but is more user friendly

Local Government Act 1995

SHIRE OF CARNARVON

PARKING LOCAL LAW 2021

TABLE OF CONTENTS

PART 1 - DEFINITIONS AND OPERATION	5
1.1 Citation.....	5
1.2 Application.....	5
1.3 Commencement.....	5
1.4 Repeal	5
1.5 Interpretation.....	5
1.6 Application of particular definitions.....	1748
1.7 Application and pre-existing signs.....	18
1.8 Classes of vehicles.....	18
1.9 Part of thoroughfare to which sign applies.....	1849
1.10 Powers of the local government.....	19
PART 2 – METERED ZONES	20
2.1 Determination of metered zones	20
2.2 Parking fee to be paid	20
2.3 Limitation on parking in metered space.....	20
2.4 No parking when meter is expired.....	20
2.5 Suspension of requirement to pay fee.....	20
2.6 Vehicles to be within metered space	20
2.7 Permitted insertions in parking meters	20
2.8 Parking ticket to be clearly visible	21
2.9 One vehicle per metered space.....	21
2.10 No parking when hood on meter	21
PART 3 - PARKING STALLS AND PARKING STATIONS	22
3.1 Determination of parking stalls and parking stations.....	22
3.2 Vehicles to be within parking stall on thoroughfare	22
3.3 Payment of fee to park in parking station.....	22
3.4 Suspension of parking station restrictions	22
3.5 Vehicle not to be removed until fee paid	22
3.6 Entitlement to receipt.....	2322
3.7 Parking ticket to be clearly visible	2322
3.8 Parking prohibitions and restrictions.....	23
PART 4 - PARKING GENERALLY	24
4.1 Restrictions on parking in particular areas.....	24
4.2 Parking vehicle on a carriageway.....	24
4.3 When parallel and right-angled parking apply.....	25
4.4 When angle parking applies.....	25

4.5	General prohibitions on parking.....	26
4.6	Authorised person may order vehicle on thoroughfare to be moved.....	27
4.7	Authorised person may mark tyres	27
4.8	No movement of vehicles to avoid time limitation.....	27
4.9	No parking of vehicles exposed for sale and in other circumstances.....	27
4.10	Parking on private land	27
4.11	Parking on reserves.....	27
4.12	Suspension of parking limitations for urgent, essential or official duties	27

PART 5 – PARKING AND STOPPING GENERALLY 29

5.1	No stopping and no parking signs, and yellow edge lines.....	29
-----	--	----

PART 6 – STOPPING IN ZONES FOR PARTICULAR VEHICLES 30

6.1	Stopping in a loading zone	30
6.2	Stopping in a taxi zone or a bus zone	30
6.3	Stopping in a mail zone.....	30
6.4	Other limitations in zones	30

PART 7 – OTHER PLACES WHERE STOPPING IS RESTRICTED 31

7.1	Stopping in a shared zone.....	31
7.2	Double parking	31
7.3	Stopping near an obstruction	31
7.4	Stopping on a bridge or in a tunnel, etc.	31
7.5	Stopping on crests, curves, etc.	31
7.6	Stopping near a fire hydrant etc.	31
7.7	Stopping at or near a bus stop.....	32
7.8	Stopping on a path, median strip, or traffic island or painted island	32
7.9	Stopping on verge.....	32
7.10	Obstructing access to and from a path, driveway, etc.	32
7.11	Stopping near a public letter box.....	33
7.12	Stopping on a carriageway – heavy and long vehicles.....	33
7.13	Stopping on a carriageway with a bicycle parking sign	33
7.14	Stopping on a carriageway with motor cycle parking sign.....	33
7.15	Stopping in a parking stall for people with disabilities	33

PART 8 – RESIDENTIAL PARKING PERMITS 3534

8.1	Residential parking permit	3534
8.2	Conditions of exemption for residential parking permits.....	3534
8.3	Removal and cancellation of residential parking permit	3635

PART 9 – MISCELLANEOUS 3736

9.1	Removal of notices on vehicle	3736
9.2	Unauthorised signs and defacing of signs	3736
9.3	Signs must be complied with.....	3736
9.4	General provisions about signs	3736
9.5	Special purpose and emergency vehicles	3736
9.6	Vehicles not to obstruct a public place	3736

PART 10 – PENALTIES 3938

10.1 Offences and penalties	3938
10.2 Form of notices.....	3938

SCHEDULE 1 – PRESCRIBED OFFENCES	4039
---	-----------------

SCHEDULE 2 - FORMS	4342
---------------------------	-----------------

DRAFT

Local Government Act 1995

SHIRE OF CARNARVON

PARKING LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Carnarvon resolved on dd mm 2021 to make the following local law.

Commented [U2]: Date of council decision to make LL under s3.12(4)

PART 1 - DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as the *Shire of Carnarvon Parking Local Law 2021*.

1.2 Application

- (1) Subject to subclause (2), this local law applies throughout the district.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the Shire, unless the Shire and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

1.3 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.4 Repeal

Part 28 of the *Shire of Carnarvon Local Laws Relating to Local Government Act Local Laws 1998* published in the *Government Gazette* on 26 February 1998 is repealed.

1.5 Interpretation

In this local law unless the context otherwise requires:

Act means the *Local Government Act 1995*;

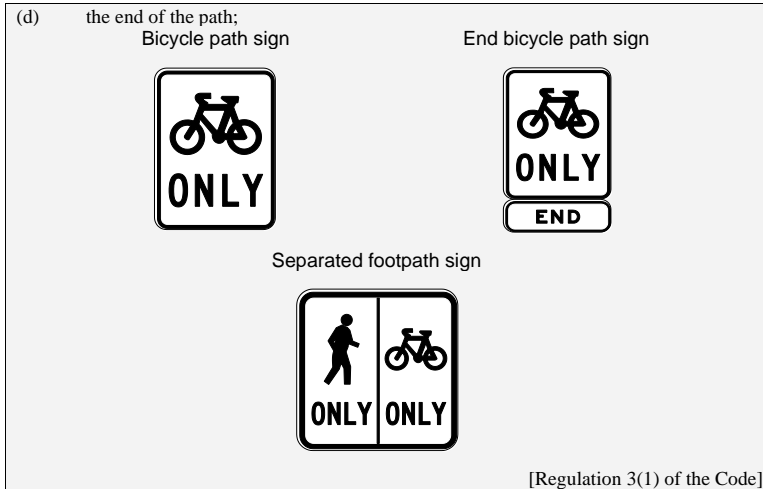
authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

authorised vehicle means a vehicle authorised by the local government, Chief Executive Officer, authorised person or by any written law to park on a thoroughfare or parking facility;

bicycle has the meaning given to it by the Code;

bicycle means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor) -
(a) including a pedicab, penny-farthing and tricycle; but
(b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating).
[Regulation 3(1) of the Code]

bicycle path means a length of path beginning at a bicycle path sign or a bicycle path road marking and ending at the nearest of the following:
(a) an end bicycle path sign, or an end bicycle path road marking;
(b) a separated footpath sign or a separated footpath road marking;
(c) a carriageway;




bicycle lane has the meaning given to it by the Code


bicycle lane means a marked lane, or the part of a marked lane —

- (a) beginning at a “bicycle lane” sign applying to the lane; and
- (b) ending at the nearest of the following:
 - (i) an “end bicycle lane” sign applying to the lane;
 - (ii) an intersection (unless the lane is at the unbroken side of the continuing road at a T-intersection or continued across the intersection by broken lines);
 - (iii) if the carriageway ends at a dead end — the end of the carriageway;

Bicycle lane sign



End bicycle lane sign



- *Note* There are a number of other permitted versions of the “bicycle lane” sign, and another permitted version of the “end bicycle lane” sign.

[Regulation 3(1) of the Code]

bicycle path has the meaning given to it by the Code;

bicycle path means a length of path beginning at a bicycle path sign or a bicycle path road marking and ending at the nearest of the following:

- (a) an end bicycle path sign, or an end bicycle path road marking;

- (b) a separated footpath sign or a separated footpath road marking;
- (c) a carriageway;
- (d) the end of the path;

Bicycle path sign



End bicycle path sign



Separated footpath sign



[Regulation 3(1) of the Code]

bus has the meaning given to it by the Code;

bus means a motor vehicle, built mainly to carry people, that seats over 12 adults (including the driver);

[Regulation 3(1) of the Code]

bus embayment has the meaning given to it by the Code;

bus embayment means an embayment at the side of a carriageway, designed so that a public bus can be driven into it, for the purpose of allowing passengers to alight or enter, without impeding the flow of traffic on that carriageway, but does not include a bus lane;

[Regulation 3(1) of the Code]

bus stop has the meaning given to it by the Code;

bus stop means a length of carriageway commencing 20m on the approach side of, and ending 10m on the departure side of, a post indicating that public busses stop at that point;

[Regulation 3(1) of the Code]

bus zone has the meaning given to it by the Code;

bus zone means a length of carriageway to which a bus zone sign applies;

[Regulation 3(1) of the Code]

caravan has the meaning given to it by the *Caravans Parks and Camping Grounds Act 1995*;

caravan means a vehicle that is fitted or designed for habitation, and unless the contrary intention

appears, includes an annexe;

[Section 5 of the Caravan Parks and Camping Grounds Act 1995]

carriageway has the same meaning given to it in the Code;

carriageway means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately

[Regulation 3(1) of the Code]

centre in relation to a carriageway, means a line or a series of lines, marks or other indications:

- a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

childrens crossing has the meaning given to it by the Code;

childrens crossing means a portion of carriageway between 2 parallel broken or unbroken lines, each approximately 150 millimetres wide and not more than 5 metres apart marked across, or partly across the carriageway and near which a fluorescent red-orange flag or sign bearing the words children crossing – stop, are displayed and, where the lines are so marked partly across a carriageway, includes a portion of the carriageway between the prolongations of those lines;

Children crossing — stop sign

(octagonal background in red)

(square background in lime/yellow)



[Regulation 3(1) of the Code]

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact being used for that purpose;

disability parking permit has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

disability parking permit means a current document issued by the National Disability

Service (ACN 008 445 485), consisting of —
(a) an Australian Disability Parking Permit; and
(b) an ACROD Parking Program Card;
[Regulation 4 *Local Government (Parking for People with Disabilities) Regulations 2014*]

district means the district of the local government;

driver means any person driving or in control of a vehicle;

edge line for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;

emergency vehicle has the meaning given to it by the Code;

emergency vehicle means a motor vehicle -

- (a) when conveying a police officer on official duty or when that vehicle is stationary at any place connected with the official duty;
- (b) of a fire brigade on official duty, in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;
- (c) being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment;
- (d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly authorised to carry a siren or bell for use as a warning instrument; or
- (e) duly authorised as an emergency vehicle for the purposes of these regulations, by the Director General;

[Regulation 3(1) of the Code]

footpath has the meaning given to it by the Code;

footpath means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;
[Regulation 3(1) of the Code]

GVM (which stands for gross vehicle mass) has the meaning given to it by the Code;

GVM to means for a vehicle, the maximum loaded mass of the vehicle –

- (a) specified by the manufacturer on an identification plate on the vehicle; or
- (b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General;

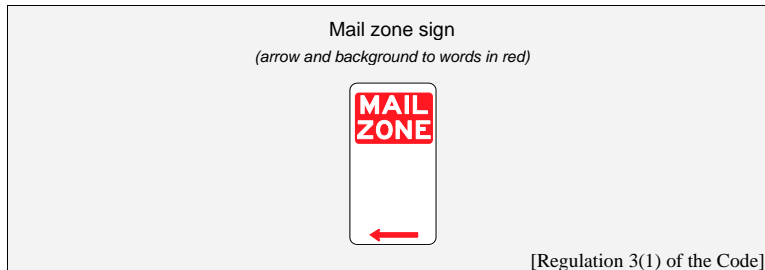
[Regulation 3(1) of the Code]

loading zone means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked loading zone;

local government means the Shire of Carnarvon;

mail zone has the meaning given to it by the Code;

mail zone means the length of carriageway to which a mail zone sign applies;



median strip has the meaning given to it by the Code;

median strip means any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions;

[Regulation 3(1) of the Code]

Note – see also definition of *painted island* and clause 4.5(2)(b) of this local law.

metered space means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

metered zone means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

motorcycle has the meaning given to it by the Code;

motor cycle means a motor vehicle that has 2 wheels and includes -

- (a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
- (b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels,

but does not include any trailer;

[Regulation 3(1) of the Code]

motor vehicle means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

nature strip has the meaning given to it by the Code;

nature strip means an area between a carriageway and the front boundary of adjacent land, but does not include a path;

[Regulation 3(1) of the Code]

See also the definition of 'verge' in this local law

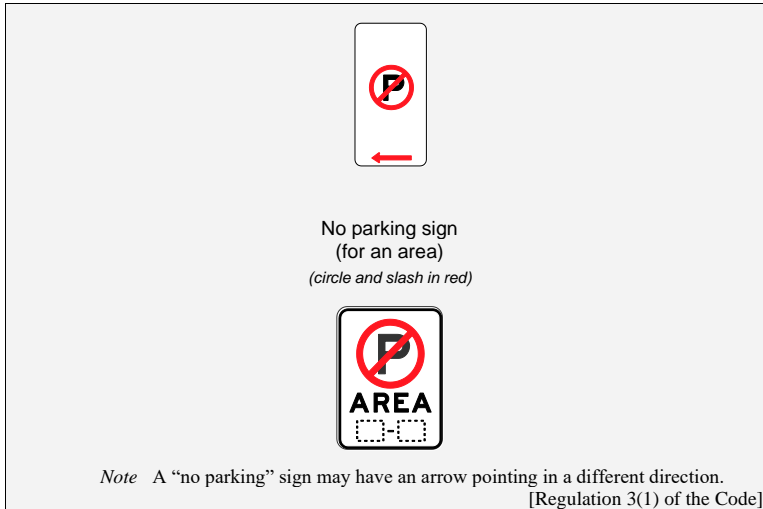
no parking area has the meaning given to it by the Code;

no parking area means -

- (a) a portion of carriageway to which a no parking sign applies; or
- (b) an area to which a no parking sign applies;

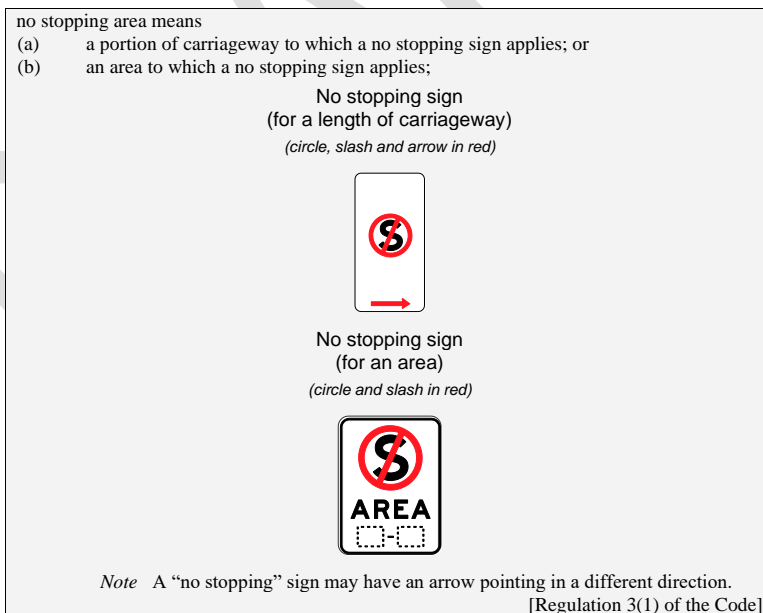
No parking sign
(for a length of carriageway)

(circle, slash and arrow in red)



no parking sign means a sign with the words no parking in red letters on a white background, or the letter P within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given to it by the Code



no stopping sign means a sign with the words no stopping or no standing in red letters on a white background or the letter S within a red annulus and a red diagonal line across it on a white background;

obstructing means causing or allowing a motor vehicle, trailer, or other object to stand on a road in such a way that it is likely to impede other road users;

occupier has the meaning given to it by the Act;

occupier where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land, and includes a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;

[Section 1.4 of the Act]

owner

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, means the person in whose name the vehicle has been registered under that Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

owner, where used in relation to land —

- (a) means a person who is in possession as —
 - (i) the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple;
 - (ii) a Crown lessee or a lessee or tenant under a lease or tenancy agreement of the land which in the hands of the lessor is not rateable land under this Act, but which in the hands of the lessee or tenant is by reason of the lease or tenancy rateable land under this or another Act for the purposes of this Act;
 - (iii) a mortgagee of the land; or
 - (iv) a trustee, executor, administrator, attorney, or agent of a holder, lessee, tenant, or mortgagee, mentioned in this paragraph;
- (b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a), except that of mortgagee;
- (c) where, under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;
- (d) where a person is lawfully entitled to occupy land which is vested in the Crown, and which has no other owner according to paragraph (a), (b), or (c), means the person so entitled;
- (e) means a person who —
 - (i) under the Mining Act 1978, holds in respect of the land a mining tenement within the meaning given to that expression by that Act;
 - (ii) in accordance with the Mining Act 1978 holds, occupies, uses, or enjoys in respect of the land a mining tenement within the meaning given to that expression by the Mining Act 1904 3; or
 - (iii) under the Petroleum Act 1967 holds in respect of the land a petroleum production licence or a petroleum exploration permit within the meaning given to each of those expressions by that Act;

or

- (f) where a person is in the unauthorised occupation of Crown land, means the person so in occupation;

[Section 1.4 of the Act]

painted island has the meaning given to it by the Code;

painted island means an area of road —

- (a) entirely surrounded by a line or lines (whether broken or continuous); or
 - (b) surrounded partly by a line or lines (whether broken or continuous) and partly by a kerb on or next to the carriageway,
- which may be further identified by stripes or chevrons marked on the enclosed road surface, or by the enclosed road surface being a contrasting colour, but not including the road within a dividing line;

[Regulation 3(1) of the Code]

Note – see also definition of *median strip* and clause 4.5(2)(b) of this local law.

park has the meaning given to it by the Code;

park means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of —

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*);

[Regulation 3(1) of the Code]

parking area has the meaning given to it by the Code;

• **parking area** means —

- (a) a portion of carriageway to which a “permissive parking” sign applies; or
- (b) an area to which a “permissive parking” sign applies;

Permissive parking sign
(for a length of carriageway)



Permissive parking sign displaying a
people with disabilities symbol
(for a length of road)



Permissive parking sign
(for an area)



Permissive parking sign displaying a
people with disabilities symbol
(for an area)



[Regulation 3(1) of the Code]

parking control sign has the same meaning given it by the Code

• **parking control sign** means any of the following:

- (a) a “bicycle parking” sign;
- (b) a “bus zone” sign or bus stop post;

- (c) a “clearway” sign;
- (d) a “loading zone” sign;
- (e) a “mail zone” sign;
- (f) a “motor cycle parking” sign;
- (g) a “no parking” sign;
- (h) a “no stopping” sign;
- (i) a “people with disabilities parking” sign;
- (j) a “permissive parking” sign;
- (k) a “permissive parking” sign displaying a “people with disabilities” symbol;
- (l) a “taxi zone” sign;
- (m) a “truck zone” sign;
- (p) a “works zone” sign;

[Regulation 3(1) of the Code]

parking facility includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with the parking of vehicles;

parking meter includes the stand on which the meter is erected and a ticket issuing machine;

parking region means the whole of the district except:

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the Shire;

parking stall means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

parking station means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;

path has the same meaning given to it by the Code;

path includes bicycle path, footpath, separated footpath and shared path;

[Regulation 3(1) of the Code]

pedestrian crossing has the meaning given to it by the Code;


pedestrian crossing means a portion of a carriageway-

- (a) defined:
 - (i) by white stripes; or
 - (ii) by white or yellow stripes (according to the colour of the carriageway) and the portions of the carriageway lying between those stripes,

in such a manner that each stripe is approximately parallel to the centre of the carriageway; and

(b) near each end of which may be erected, on each side of the carriageway, so as to be clearly visible to an approaching driver, a "pedestrian crossing" sign;

Pedestrian crossing sign
(background in yellow)



[Regulation 3(1) of the Code]

public bus has the same meaning given to it by the Code;

public bus means a bus operated by or on behalf of the State as a passenger vehicle, to carry passengers for hire or reward, whether in connection with a railway or not, but does not include a vehicle in relation to which an on demand rank or hail vehicle authorisation is in force;;

[Regulation 3(1) of the Code]

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land:

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an otherwise unvested facility within section 3.53 of the Act;

road means a highway, road, street, lane, thoroughfare, way or similar place within the parking region which the public is allowed to use and includes the road verge and any footway within it;

Road Traffic Act means the *Road Traffic Act 1974*;


Schedule means a Schedule to this local law;

shared zone has the meaning given to it by the Code;


shared zone means the network of roads in an area with –

- (a) a shared zone sign on each road into the area, indicating the same number; and
- (b) an end shared zone sign on each road out of the area.

Shared zone sign
(circle in red)



End shared zone sign



Note: There are a number of other permitted versions of each of these signs;

Note: A shared zone sign may also have a different number on the sign;
[Regulation 3(1) of the Code]

sign includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it by the Code;

special purpose vehicle means -

- (a) a vehicle being driven by a member of the Police Force (other than a police officer) on official duty or that vehicle when it is stationary at any place connected with the official duty;
- (b) a public utility service truck;
- (c) a tow truck;
- (d) a motor break-down service vehicle;
- (e) a vehicle being used by a government or local authority in connection with its roadwork or speed zoning functions; or
- (f) a vehicle duly authorised as a special purpose vehicle for the purposes of these regulations, by the Director General, but does not include an emergency vehicle;

[Regulation 3(1) of the Code]

stop in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

symbol includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

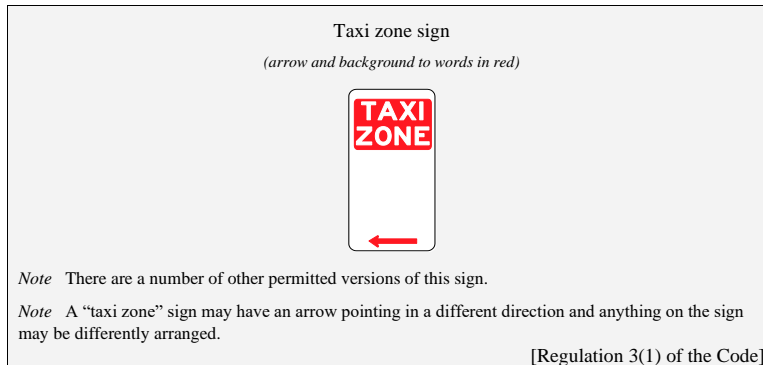
taxi means a taxi within the meaning of the *Road Traffic Code 2000*;

taxi means a vehicle used or intended to be used in providing an on-demand rank or hail passenger transport service (as defined in the *Transport (Road Passenger Services) Act 2018* section 4(1));
[Regulation 3(1) of the Code]

on demand rank or hail passenger transport service means an on demand passenger transport service that includes a rank or hail service;
[S4(1) Transport (Road Passenger Services) Act 2018]

taxi zone has the meaning given to it by the Code;

taxi zone means a length of carriageway to which a taxi zone applies;



thoroughfare has the meaning given to it by the Act;

thoroughfare means a road or other thoroughfare and includes structures and other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

[Section 1.4 of the Act]

ticket issuing machine means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

traffic island has the meaning given to it by the Code;

traffic island means any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection, to guide vehicular traffic;

[Regulation 3(1) of the Code]

trailer has the meaning given to it by the Code:

trailer means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side-car;

[Regulation 3(1) of the Code]

vehicle has the meaning given to it by the Code; and

vehicle includes —

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means; and
- (b) where the context permits, an animal being driven or ridden;

[Section 5(1) of the Act]

verge has the same meaning as **nature strip**.

1.6 Application of particular definitions

- (1) For the purposes of the application of the definitions 'no parking area' and 'parking area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

-
- (2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the *Road Traffic Act 1974* or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.7 Application and pre-existing signs

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) A sign that:
- i) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
 - ii) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.
- (5) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.
- (6) The provisions of Parts 2, 3, 4 and 5 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

9.47. Proof of certain matters not required

In proceedings under this Act instituted by or under the direction of a local government, until evidence is given to the contrary, proof is not required of —

...

- (e) the fact that a place is within a parking region; or
- (f) the establishment or provision of a parking facility.

Section 9.47 Local Government Act 1995

1.8 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows:

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.9 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which:

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

1.10 Powers of the local government

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

DRAFT

PART 2 – METERED ZONES

Commented [U3]: I suspect you may never need this Part nor any provisions about paid parking but it's cheaper to simply leave them in. This does not mean the Shire must establish aid parking or metered zones; simply that you have the ability to do so in future.

2.1 Determination of metered zones

- (1) The local government may by resolution, constitute, determine and vary and also indicate by signs, metered spaces and metered zones.
- (2) In respect of metered spaces and metered zones the local government may determine, and may indicate by signs:
 - (a) permitted times and conditions of parking depending on and varying with the locality;
 - (b) classes of vehicles which are permitted to park;
 - (c) the amount payable for parking; and
 - (d) the manner of parking.
- (3) Where the local government makes a determination under subsections (1) or (2) it shall erect signs to give effect to the determination.

2.2 Parking fee to be paid

Subject to clause 2.5, a person shall not park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

2.3 Limitation on parking in metered space

The payment of a fee under clause 2.2 shall entitle a person to park the vehicle in a metered space for the period shown on the parking meter, but does not authorise the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this local law.

2.4 No parking when meter is expired

Subject to clause 2.5, a person shall not leave or permit a vehicle to remain parked in a metered space during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign 'Expired' or a negative time.

2.5 Suspension of requirement to pay fee

- (1) The local government may, by resolution, declare that the provisions of clauses 2.2 and 2.4 shall not apply during the periods and days specified.
- (2) Where the local government makes a determination under subsection (1) it shall erect signs to give effect to the determination.

2.6 Vehicles to be within metered space

Subject to subclause (b):

- (a) A person shall not park a vehicle in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space.
- (b) If a vehicle is too long or too wide to fit completely within a single metered space then the person parking the vehicle shall do so within the minimum number of metered spaces needed to park that vehicle.
- (c) A person shall not park a vehicle partly within and partly outside a metered zone.

2.7 Permitted insertions in parking meters

- (1) A person shall not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.

-
- (2) The insertion of a coin or banknote into any parking meter or the making of payment in such other form as may be permitted shall be effected only in accordance with the instructions printed on that particular meter.

2.8 Parking ticket to be clearly visible

A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an authorised person examining the ticket from outside the vehicle.

2.9 One vehicle per metered space

A person shall not park or attempt to park a vehicle in a metered space in which another vehicle is parked.

2.10 No parking when hood on meter

Notwithstanding any other provision of this local law and notwithstanding any other sign or notice, a person shall not park a vehicle in a metered space if the parking meter referable to such metered space has a hood marked 'No Parking', 'Reserved Parking' or 'Temporary Bus Stand' or equivalent symbols depicting these purposes except with the permission of the local government or an authorised person.

DRAFT

PART 3 - PARKING STALLS AND PARKING STATIONS

3.1 Determination of parking stalls and parking stations

- (1) The local government may, by resolution, constitute, determine and vary:
 - (a) parking stalls;
 - (b) parking stations;
 - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
 - (d) permitted classes of vehicles which may park in parking stalls and parking stations;
 - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
 - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government makes a determination under subsection (1) it shall erect signs to give effect to the determination

3.2 Vehicles to be within parking stall on thoroughfare

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than:
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the stall; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person shall not park a vehicle partly within and partly outside a parking area.

3.3 Payment of fee to park in parking station

A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless:

- (a) in the case of a parking station having an authorised person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

3.4 Suspension of parking station restrictions

- (1) The local government may, by resolution, declare that the provisions of clause 3.3 do not apply during periods on particular days in relation to particular parking stations as specified.
- (2) Where the local government makes a determination under subsection (1) it shall erect signs to give effect to the determination.

3.5 Vehicle not to be removed until fee paid

A person shall not remove a vehicle which has been parked in a parking station until the fee associated with parking that vehicle in the parking station has been paid in full.

3.6 Entitlement to receipt

A person paying a fee at a parking station is to be entitled to receive a receipt on demand showing the period of parking covered by such payment and the amount of the fee paid.

3.7 Parking ticket to be clearly visible

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an authorised person examining the ticket from outside the vehicle.

3.8 Parking prohibitions and restrictions

(1) A person shall not:

- (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
- (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;
- (c) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or
- (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked 'M/C', if the bicycle is parked in accordance with subclause (2).

(2) No person shall park any bicycle:

- (a) in a parking stall other than in a stall located against a kerb and marked 'M/C'; and
- (b) in such stall other than parked against the kerb.

(3) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that:

- (a) the driver's vehicle displays a valid disability parking permit ;
- (b) a person with disabilities to which that permit relates is either the driver of or a passenger in the vehicle; and
- (c) any disability permit displayed must be clearly displayed from inside the vehicle in such a position that the permit is clearly visible to, and is able to be read by an authorised person examining the permit from outside the vehicle.

PART 4 - PARKING GENERALLY

4.1 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station:
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) (a) This subclause applies to a driver if:
 - (i) the driver's vehicle displays a Disability Parking Permit; and
 - (ii) a disabled person to which the Disability Parking Permit relates is either the driver of the vehicle or a passenger in the vehicle.(b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disability parking permit sign relates for twice the period indicated on the sign.
- (3) A person shall not park a vehicle:
 - (a) in a no parking area; or
 - (b) in a parking area, except in accordance with signs associated with the parking area and with this local law;
 - (c) ~~in a stall marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.~~
- (4) ~~A person shall not park a motorcycle without a sidecar or a trailer, in a parking stall unless the stall is marked 'M/C'.~~
- (5) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

4.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking stall shall park it:
 - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
 - (e) so that it does not obstruct any vehicle on the carriageway, unless otherwise indicated on a parking regulation sign or markings on the roadway.
- (2) In this clause, 'continuous dividing line' means –
 - (a) a single continuous dividing line only;

Formatted: Indent: Left: 2 cm

Commented [T04]: We do not have any M/C parking bays in Shire. Please remove this clause completely.

- (b) a single continuous dividing line to the left or right of a broken dividing line; or
- (c) 2 parallel continuous dividing lines.

3.37. Contraventions that can lead to impounding

- (1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.
- (2) Regulations may exclude the application of particular provisions of this Subdivision.

[Section 3.37 Local Government Act 1995]

29. Contraventions that may lead to impounding of goods (Act s. 3.37)

- (1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —
 - (a) it occurs in a public place; and
 - (b) either —
 - (I) presents a hazard to public safety; or
 - (II) obstructs the lawful use of any place;or

the presence of the goods —

- (I) presents a hazard to public safety; or
- (II) obstructs the lawful use of any place;

where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.

- (1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.
- (2) In subregulation (1) or (1a) —
 - public place** includes a place that is on private property that the public are allowed to use.

[R29 Local Government (Functions and General) Regulations 1996]

3.38. Terms used

goods means any goods involved in a contravention that can lead to impounding, and includes —

- (a) a vehicle; or
- (ab) an animal; or
- (b) a stall or other structure temporarily placed on land,
- involved in such a contravention;

[Section 3.37 Local Government Act 1995]

4.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is:

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway in a manner that does not obstruct the carriageway.

4.4 When angle parking applies

- (1) This clause does not apply to:
 - (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or

-
- (b) a person parking either a motor cycle without a trailer or a bicycle.
 - (2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

4.5 General prohibitions on parking

- (1)
 - (a) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.
 - (b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
 - (2) Subject to any law relating to intersections with traffic control signals, a person shall not park a vehicle so that any portion of the vehicle is:
 - (a) on or adjacent to a median strip or painted island;
 - (b) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
 - (c) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
 - (d) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
 - (e) on any portion of a footpath or pedestrian crossing;
 - (f) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
 - (g) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - (h) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
 - (i) within 3 metres of a public letter box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
 - (j) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked unless a sign or markings on the carriageway indicate otherwise.
 - (3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of:
 - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a children's crossing or pedestrian crossing.
 - (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of:
 - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
 - (b) a children's crossing or pedestrian crossing.
 - (5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.
-

4.6 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.

4.7 Authorised person may mark tyres

- (1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

4.8 No movement of vehicles to avoid time limitation

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

4.9 No parking of vehicles exposed for sale and in other circumstances

A person shall not park a vehicle on any portion of a thoroughfare:

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

4.10 Parking on private land

- (1) In this clause a reference to 'land' does not include land:
 - (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*;
 - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act; or
 - (d) which is the subject of an agreement referred to in clause 1.7(2).
- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

4.11 Parking on reserves

No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

4.12 Suspension of parking limitations for urgent, essential or official duties

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

-
- (2) Where permission is granted under subclause (1), the local government, the CEO or an authorised person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

DRAFT

PART 5 – PARKING AND STOPPING GENERALLY

5.1 No stopping and no parking signs, and yellow edge lines

(1) No stopping

A driver shall not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.

(2) No parking

A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver

- (a) is dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

unattended, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

(3) No stopping on a carriageway with yellow edge lines

A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

DRAFT

PART 6 – STOPPING IN ZONES FOR PARTICULAR VEHICLES

6.1 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is:

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers, but, in any event, shall not remain in that loading zone:
- (c) for longer than a time indicated on the 'loading zone' sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

6.2 Stopping in a taxi zone or a bus zone

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

6.3 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone.

6.4 Other limitations in zones

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

PART 7 – OTHER PLACES WHERE STOPPING IS RESTRICTED

7.1 Stopping in a shared zone

A driver shall not stop in a shared zone unless:

- (1) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;
- (2) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (3) the driver is dropping off, or picking up, passengers or goods; or
- (4) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

7.2 Double parking

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to:
 - (a) a driver stopped in traffic; or
 - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

7.3 Stopping near an obstruction

A driver shall not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

7.4 Stopping on a bridge or in a tunnel, etc.

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless:
 - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless:
 - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

7.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 80 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

7.6 Stopping near a fire hydrant etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless:

-
- (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
 - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

7.7 Stopping at or near a bus stop

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10m of the departure side of a bus stop, unless:
- (a) the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) In this clause:
- (a) distances are measured in the direction in which the driver is driving; and
 - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

7.8 Stopping on a path, median strip, or traffic island or painted island

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island, painted island, or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

7.9 Stopping on verge

- (1) A person shall not:
- (a) stop a vehicle (other than a bicycle);
 - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge or in contravention of clause 9.6,
- so that any portion of it is on a verge.
- (2) Subject to clause 9.6, subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subject to clause 9.6, subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

7.10 Obstructing access to and from a path, driveway, etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless:
- (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless:

- (a) the driver is dropping off, or picking up, passengers; or
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

7.11 Stopping near a public letter box

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver:

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

7.12 Stopping on a carriageway – heavy and long vehicles

(1) A person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes:

- (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.

(2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

7.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

7.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'M/C' unless:

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

7.15 Stopping in a parking stall for people with disabilities

~~(1) A driver shall not stop in a parking area for people with disabilities unless:~~

- ~~(a) the driver's vehicle displays a valid disability parking permit; and~~
- ~~(b) either the driver or the passenger in that vehicle is a person with disabilities.~~

~~(2) In this clause a 'parking area for people with disabilities' is a length or area:~~

- ~~(a) to which a 'permissive parking' sign displaying a people with disabilities symbol applies;~~
- ~~(b) to which a 'people with disabilities parking' sign applies; or~~
- ~~(c) indicated by a road marking (a 'people with disabilities road marking') that consists of, or includes, a people with disabilities symbol.~~

Note

~~The Local Government (Parking for People with Disabilities) Regulations 2014 are designed to be enforced directly, rather than via a local law.~~

~~The Regulations prescribe an unmodified penalty of \$2000 and a modified penalty of \$200 for an offence. These penalties cannot be mirrored in the local law, due to the modified penalty being higher than 10% of the unmodified amount. This means the only option is to enforce the Regulations directly.~~

Commented [T05]: •Please check with updated ACROD - Amendments to the Local Government (Parking for People with Disabilities) Regulations 2014 (Regulations) came into effect on 25 April 2020. The amendments aimed to strengthen the ability for local governments to manage unauthorised parking in ACROD bays and improve access for people living with disability by increasing penalties for illegal parking.

- The Regulation changes amended the fines and court-imposed penalties for unauthorised parking in an ACROD bay by:
 - increasing modified fine penalties from \$300 to \$500
 - increasing court-imposed penalties from \$2,000 to \$5,000.

DRAFT

PART 8 – RESIDENTIAL PARKING PERMITS

8.1 Residential parking permit

- (1) A person may apply for a permit to park a vehicle on a thoroughfare if the person is:
 - (a) an occupier of a lot fronting the thoroughfare;
 - (b) the holder of the requisite vehicle licence under the Road Traffic Act for the vehicle; and
 - (c) subject to subclause (2), described on the vehicle licence as residing at the lot.
- (2) An applicant for a permit who is not described in accordance with subclause (1)(c), may apply for a temporary permit by stating (by way of statutory declaration) on an application for such that he or she resides at that lot.
- (3) An application for a permit shall be made in the form determined by the local government.
- (4) The local government may in respect of an application for a permit for the purpose of subclause (1) or (2):
 - (a) approve it;
 - (b) approve it subject to such conditions as the local government considers appropriate; or
 - (c) refuse to approve it.
- (5) Where the local government makes a decision under subclauses (4)(a) or (b), it shall issue a permit in the form determined by it to the person who applied for the permit.
- (6) A temporary permit issued for the purpose of subclause (2):
 - (a) will expire 3 months after it is issued; and
 - (b) is not renewable.
- (7) A permit issued for the purpose of subclause (1) may be either:
 - (a) an annual permit, issued for a period not exceeding one year and expiring on 31 December in the year of issue; or
 - (b) a temporary permit, issued for a period not exceeding 6 months from the date of issue.
- (8) Every permit issued for the purpose of subclause (1) is to specify:
 - (a) a permit number;
 - (b) the registration number of the vehicle;
 - (c) the name of the thoroughfare to which the exemption granted by clause 8.2 applies; and
 - (d) the date on which it expires.

8.2 Conditions of exemption for residential parking permits

Where parking of a vehicle on any part of a thoroughfare within the district is prohibited for more than a specified time, or without an unexpired parking ticket being displayed within the vehicle, the holder of a permit issued under clause 8.1 is exempted from such prohibitions if:

- (a) the vehicle is parked on a thoroughfare specified in the permit, but not adjacent to retail premises where the parking of all vehicles is subject to a time restriction;
- (b) the permit is affixed to the windscreen of the vehicle in a prominent position;
- (c) the period in respect of which the permit was issued has not expired; and
- (d) if the holder of the permit at the time of parking the vehicle still resides at the lot in respect of which the permit was issued.

8.3 Removal and cancellation of residential parking permit

The holder of a permit issued under clause 8.1 who changes residence shall remove the permit from the vehicle to which it is affixed, and the permit shall be deemed to be cancelled on and from the date the holder changes residence.

DRAFT

PART 9 – MISCELLANEOUS

9.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an authorised person.

9.2 Unauthorised signs and defacing of signs

A person shall not without the authority of the local government:

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

9.3 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

9.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

9.5 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of:

- (1) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
- (2) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

9.6 Vehicles not to obstruct a public place

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

3.37. Contraventions that can lead to impounding

- (1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.
- (2) Regulations may exclude the application of particular provisions of this Subdivision.

[Section 3.37 Local Government Act 1995]

29. Contraventions that may lead to impounding of goods (Act s. 3.37)

- (1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —
 - (a) it occurs in a public place; and
 - (b) either —
 - (i) the presence of the goods —

- (I) presents a hazard to public safety; or
 - (II) obstructs the lawful use of any place;
- or
- (ii) where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.

(1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.

- (2) In subregulation (1) or (1a) —
public place includes a place that is on private property that the public are allowed to use.

[R29 Local Government (Functions and General) Regulations 1996]

3.38. Terms used

goods means any goods involved in a contravention that can lead to impounding, and includes —

- (a) a vehicle; or
- (ab) an animal; or
- (b) a stall or other structure temporarily placed on land, involved in such a contravention;

[Section 3.37 Local Government Act 1995]

PART 10 – PENALTIES

10.1 Offences and penalties

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not less than \$1,000 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

10.2 Form of notices

For the purposes of this local law:

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 2;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 2;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 2; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 2.

SCHEDULE 1 – PRESCRIBED OFFENCES
(Clause 10.1(4))

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to pay fee for metered space	100
2	2.3	Parking in excess of period shown on metered space	100
3	2.4	Parking when meter has expired	100
4	2.6(a)	Failure to park wholly within metered space	100
5	2.6(c)	Parking outside metered zone	100
6	2.7	Non-permitted insertion in parking meter	100
7	2.8	Failure to display ticket clearly in metered zone	100
8	2.9	Parking or attempting to park a vehicle in a metered space occupied by another vehicle	100
9	2.10	Parking contrary to a meter hood	100
10	3.2	Failure to park wholly within parking stall	100
11	3.2(4)	Failure to park wholly within parking area	100
12	3.3	Failure to pay parking station fee	100
13	3.5	Leaving without paying parking station fee	100
14	3.7	Failure to display ticket clearly in parking station	100
15	3.8(1)(a)	Causing obstruction in parking station	100
16	3.8(1)(b)	Parking contrary to sign in parking station	100
17	3.8(1)(c)	Parking contrary to directions of authorised person	100
18	3.8(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	100
19	4.1(1)(a)	Parking wrong class of vehicle	100
20	4.1(1)(b)	Parking by persons of a different class	100
21	4.1(1)(c)	Parking during prohibited period	100
22	4.1(3)(a)	Parking in no parking area	100
23	4.1(3)(b)	Parking contrary to signs or limitations	100
24	4.1(3)(c)	Parking vehicle in motor cycle only area	100
25	4.1(4)	Parking motor cycle in stall not marked 'M/C'	100
26	4.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	100
27	4.2(1)(a)	Failure to park on the left of two-way carriageway and against the flow of traffic	100
28	4.2(1)(b)	Failure to park on boundary of one-way carriageway and against the flow of traffic	100

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
29	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	100
30	4.2(1)(d)	Parking closer than 1 metre from another vehicle	100
31	4.2(1)(e)	Causing obstruction	100
32	4.3(b)	Failure to park at approximate right angle of 90 degrees	100
33	4.4(2)	Failure to park at an appropriate angle of 45 degrees	100
34	4.5(2)(a)	Parking on or adjacent to a median strip or painted island	100
35	4.5(2)(b)	Denying access to private drive or right of way	100
36	4.5(2)(c)	Parking beside excavation or obstruction so as to obstruct traffic	100
37	4.5(2)(d)	Parking within 10 metres of traffic island	100
38	4.5(2)(e)	Parking on footpath/pedestrian crossing	100
39	4.5(2)(f)	Parking contrary to continuous line markings	100
40	4.5(2)(g)	Parking on intersection	100
41	4.5(2)(h)	Parking within 1 metre of fire hydrant or fire plug	100
42	4.5(2)(i)	Parking within 3 metres of public letter box	100
43	4.5(2)(j)	Parking within 10 metres of intersection	100
44	4.5(3)(a)	Parking vehicle within 10 metres of departure side of bus stop	100
45	4.5(3)(b)	Parking vehicle within 10 metres of departure side of children's crossing or pedestrian crossing	100
46	4.5(4)(a)	Parking vehicle within 20 metres of approach side of bus stop	100
47	4.5(4)(b)	Parking vehicle within 20 metres of approach side of a children's or pedestrian crossing	100
48	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
49	4.6	Parking contrary to direction of authorised person	100
50	4.7(2)	Removing mark of authorised person	100
51	4.8	Moving vehicle to avoid time limitation	100
52	4.9(a)	Parking in thoroughfare for purpose of sale	100
53	4.9(b)	Parking unlicensed vehicle in thoroughfare	100
54	4.9(c)	Parking a trailer/caravan on a thoroughfare	100
55	4.9(d)	Parking in thoroughfare for purpose of repairs	100
56	4.10(1) or (2)	Parking on land that is not a parking facility without consent	100

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
57	4.10(3)	Parking on land not in accordance with consent	100
58	4.11	Driving or parking on reserve	100
59	5.1(1)	Stopping contrary to a 'no stopping' sign	100
60	5.1(2)	Parking contrary to a 'no parking' sign	100
61	5.1(3)	Stopping within continuous yellow lines	100
62	6.1	Stopping unlawfully in a loading zone	100
63	6.2	Stopping unlawfully in a taxi zone or bus zone	100
64	6.3	Stopping unlawfully in a mail zone	100
65	6.4	Stopping in a zone contrary to a sign	100
66	7.1	Stopping in a shared zone	100
67	7.2	Double parking on carriageway	100
68	7.3	Stopping near an obstruction	100
69	7.4	Stopping on a bridge or tunnel	100
70	7.5	Stopping on crests/curves	100
71	7.6	Stopping near fire hydrant	100
72	7.7	Stopping near bus stop	100
73	7.8	Stopping on path, median strip or traffic island	100
74	7.9	Stopping on verge	100
75	7.10	Obstructing path, a driveway	100
76	7.11	Stopping near public letter box	100
77	7.12	Stopping heavy or long vehicles on carriageway	100
78	7.13	Stopping in bicycle parking area	100
79	7.14	Stopping in motorcycle parking area	100
80	7.15(1)(a)	Stopping in disabled parking stall for people with disabilities and failing to display permit	300
81	8.3	Failure to remove permit when residence changed	100
82	9.6	Leaving vehicle so as to obstruct a public place	100
83		All other offences not specified	100

Commented [T07]: Please check with updated ACROD - Amendments to the Local Government (Parking for People with Disabilities) Regulations 2014 (Regulations) came into effect on 25 April 2020. The amendments aimed to strengthen the ability for local governments to manage unauthorised parking in ACROD bays and improve access for people living with disability by increasing penalties for illegal parking.

The Regulation changes amended the fines and court-imposed penalties for unauthorised parking in an ACROD bay by:

- increasing modified fine penalties from \$300 to \$500
- increasing court-imposed penalties from \$2,000 to \$5,000.

Commented [U6]: OK – you should enforce directly using Regulation.

SCHEDULE 2 - FORMS

LOCAL GOVERNMENT ACT 1995

FORM 1

PARKING LOCAL LAW 2021

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) your vehicle:

make:

type:

registration:

was involved in the commission of the following offence -

contrary to clause of the **Parking Local Law 2021**.

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless:

- (a) within 28 days after being served with this notice;
 - (i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;
- or
- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5)

(6)

Insert:

- (1) Name of owner or 'the owner'
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorised person
- (6) Name and title of authorised person giving notice

**SCHEDULE 2 - FORMS
LOCAL GOVERNMENT ACT 1995
FORM 2
PARKING LOCAL LAW 2021
INFRINGEMENT NOTICE**

Serial No
Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4)
in respect of vehicle:
make: ;
type: ;
registration: ;
you committed the following offence:

contrary to clause of the **Parking Local Law 2021**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

[If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following actions may be taken](#)

[Your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold. If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.](#)

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6)
(7)

Insert:

- (1) Name of alleged offender or 'the owner'
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

Commented [U8]: OK – wording inserted

Commented [T09]: New Wording enacted as at 28th September 2020 - If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following actions may be taken —
your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

**SCHEDULE 2 - FORMS
LOCAL GOVERNMENT ACT 1995
FORM 3
PARKING LOCAL LAW 2021
INFRINGEMENT NOTICE**

Serial No
Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4)
in respect of vehicle:
make: ;
type: ;
registration: ;
you committed the following offence:

contrary to clause of the **Parking Local Law 2021**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice:

- (a) you pay the modified penalty; or
(b) you:
(i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,
you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following actions may be taken —

Your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold. If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

- (6)
(7)

Insert:

- (1) Name of owner or 'the owner'
(2) Address of owner (not required if owner not named)
(3) Time of alleged offence
(4) Location of alleged offence
(5) Place where modified penalty may be paid
(6) Signature of authorised person
(7) Name and title of authorised person giving notice

Commented [U10]: OK – wording inserted

Commented [TO11]: New Wording enacted as at 28th September 2020 - If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following actions may be taken —
your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

**SCHEDULE 2 - FORMS
LOCAL GOVERNMENT ACT 1995
FORM 4
PARKING LOCAL LAW 2021
WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No
Date / /

To: (1)
of: (2)
Infringement Notice No. dated / /
in respect of vehicle:
make: ;
type: ;
registration: ;
for the alleged offence of

has been withdrawn.

The modified penalty of \$

- a) has been paid and a refund is enclosed.
- b) has not been paid and should not be paid.
- c) delete as appropriate.

(3)

(4)

Insert:

- (1) Name of alleged offender to whom infringement notice was given or 'the owner'.
- (2) Address of alleged offender.
- (3) Signature of authorised person
- (4) Name and title of authorised person giving notice

The Common Seal of the)
Shire of Carnarvon)
was affixed by)
authority of a resolution)
of the Council in the)
presence of -)

CR EDDIE SMITH
SHIRE PRESIDENT

| [DAVID BURTON](#)
CHIEF EXECUTIVE OFFICER

DRAFT