

CLAUSE NOTES

Local Government (Highways) Amendment Bill 2019

- Clause 1** **Short title**
This clause provides that, once passed, the Bill will be cited as the *Local Government (Highways) Amendment Act 2019*.
- Clause 2** **Commencement**
This clause provides that the Bill commences upon Royal Assent.
- Clause 3** **Principal Act**
The Principal Act is the *Local Government (Highways) Act 1982*.
- Clause 4** **Section 94 amended (Interpretation of Part VII)**
This clause amends the definitions of controlled parking, parking meter and voucher machine and also inserts a new definition of 'virtual meter' to ensure that the Bill reflects the use of new parking payment technologies.
- The Bill also amends the definition of parking voucher to ensure the effective operation of controlled parking on State highways in municipal areas.
- Clause 5** **Section 95 amended (Establishment of controlled parking)**
This clause:
- provides that the Corporation is responsible for establishing controlled parking on local highways and the Minister for State Highways is responsible for establishing controlled parking on State highways in municipal areas
 - makes clear that parking spaces that have been marked out pursuant to section 95 are not affected if a highway changes from a local highway to a State highway or vice versa
 - makes necessary amendments to remove references to payment by coins and instead refers to the payment of an amount of money.
- Clause 6** **Section 96 amended (Hours of operation of controlled parking)**
This clause provides that:
- the Corporation is responsible for determining the hours and days of operation of controlled parking on local highways
 - the Minister for State Highways is responsible for determining the hours and days of operation of controlled parking on State highways in municipal areas.
- Furthermore, the clause provides that if a highway changes from a local highway to a State highway or vice versa, then the prescribed hours

and days of operation of controlled parking continue to apply until such time as the hours and days of operation are prescribed by the responsible authority pursuant to amended subsection 96(1) (for example, if a local highway changes to a State highway, then the hours and days of operation of controlled parking that had been prescribed by the Corporation continue to apply until such time as the Minister for State Highways prescribes the hours and days of operation of controlled parking).

Clause 7

Section 97 amended (Enforcement of controlled parking)

This clause amends section 97 to reflect the use of new parking payment technologies that operate independently to the parking meters and voucher machines, referred to in the Bill as 'virtual parking meters'.

This clause also amends subparagraph 97(1)(b) to make it consistent with subparagraph 97(1)(a) to ensure that parking is enforced in the same manner regardless of whether a parking space has a voucher machine or a parking meter present.

This clause also makes a number of minor amendments to remove specific references to coins.

Clause 8

Section 100 amended (Infringement notices)

This clause addresses a statutory impediment to the Minister for State Highways prescribing the penalty for parking infringements on State highways in municipal areas by clarifying that the prescribed penalty on an infringement notice is the sum specified in by-laws of the Corporation of the municipal area in which the relevant parking space is situated.

Clause 9

Section 105 amended (Improper operation of parking meters and voucher machines)

This clause clarifies that a range of payment methods may be inserted into, or used to operate, a parking meter or voucher machine.

This clause also inserts reference to the Minister for State Highways in paragraphs 105(e) and (f), making it an offence to do any of the matters set out in those paragraphs without the authority of either the Corporation or the Minister for State Highways.

Clause 10

Section 108 repealed

This clause repeals section 108 in light of the amendments made in this Bill.

Clause 11

Section 110 amended (Powers and duties of corporations in relation to State highways)

This clause removes a specific power of delegation from subsection 110(4) of the Act in light of the fact that Clause 12 inserts a general power of delegation for the Minister for State Highways into the Act.

- Clause 12** **Section 123A inserted**
This clause inserts a power of delegation into the Act for the Minister for State Highways.
- Clause 13** **Repeal of Act**
This clause repeals this amendment Act 365 days after it commences.