

TASMANIA

**LOCAL GOVERNMENT (HIGHWAYS)
AMENDMENT BILL 2019**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 94 amended (Interpretation of Part VII)
5. Section 95 amended (Establishment of controlled parking)
6. Section 96 amended (Hours of operation of controlled parking)
7. Section 97 amended (Enforcement of controlled parking)
8. Section 100 amended (Infringement notices)
9. Section 105 amended (Improper operation of parking meters and voucher machines)
10. Section 108 repealed
11. Section 110 amended (Powers and duties of corporations in relation to State highways)
12. Section 123A inserted
 - 123A. Delegation by Minister for State Highways
13. Repeal of Act

**LOCAL GOVERNMENT (HIGHWAYS)
AMENDMENT BILL 2019**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
30 July 2019

*(Brought in by the Minister for Infrastructure, the Honourable
Jeremy Page Rockliff)*

A BILL FOR

An Act to amend the *Local Government (Highways) Act 1982*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Local Government (Highways) Amendment Act 2019*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

Local Government (Highways) Amendment Act 2019
Act No. of 2019

s. 3

3. Principal Act

In this Act, the *Local Government (Highways) Act 1982** is referred to as the Principal Act.

4. Section 94 amended (Interpretation of Part VII)

Section 94(1) of the Principal Act is amended as follows:

- (a) by inserting “or by a virtual meter” after “voucher” in the definition of *controlled parking*;
- (b) by omitting the definition of *parking meter* and substituting the following definition:

parking meter means a device installed pursuant to section 95(1), that, on payment of money and by reference to a particular parking space, records the length of time for which a vehicle is, or is permitted to be, parked in that space;
- (c) by inserting “or the Minister for State Highways” after “corporation” in the definition of *parking voucher*;
- (d) by inserting the following definition after the definition of *vehicle*:

*No. 57 of 1982

Local Government (Highways) Amendment Act 2019
Act No. of 2019

s. 5

virtual meter means a piece of software that can be run on a computer, mobile phone or other electronic device and that allows for payment to be made for parking in a parking space;

- (e) by omitting “the insertion of a coin or coins of the name or value shown on the device or on a notice in the vicinity of the machine” from the definition of *voucher machine* and substituting “payment of an amount of money”.

5. Section 95 amended (Establishment of controlled parking)

Section 95 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or, if the highway is a State highway, the Minister for State Highways,” after “corporation”;
- (b) by omitting from subsection (1)(a) “for” and substituting “that operates in respect of”;
- (c) by omitting from subsection (2) “is” and substituting “has been”;
- (d) by inserting in subsection (2) “even if the highway on which the parking space is located changes from a local highway to a State highway, or vice versa” after “Part”;

Local Government (Highways) Amendment Act 2019
Act No. of 2019

s. 6

- (e) by omitting from subsection (3) “installed by the corporation for” and substituting “that operates in respect of”;
- (f) by omitting paragraphs (a) and (b) from subsection (8) and substituting the following paragraph:
 - (a) the period for which the parking meter should run on the payment of an amount of money; and
- (g) by omitting paragraph (b) from subsection (9) and substituting the following paragraph:
 - (b) the period for which a parking voucher issued on the payment of an amount of money entitles a vehicle to be parked in such a parking space on the day of issue of the voucher;
- (h) by omitting subsection (10).

6. Section 96 amended (Hours of operation of controlled parking)

Section 96 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsections:
 - (1) Subject to this section, controlled parking operates in respect of –

Local Government (Highways) Amendment Act 2019
Act No. of 2019

s. 6

- (a) local highways within a municipality only during such hours and days as the corporation may, by public notice, prescribe in respect of those local highways; and
- (b) State highways within a municipality only during such hours and days as the Minister for State Highways may, by public notice, prescribe in respect of those State highways.

(2) If –

- (a) a corporation or the Minister for State Highways prescribes hours of operation of controlled parking in respect of a highway in accordance with subsection (1); and
- (b) that highway changes from a local highway to a State highway, or vice versa –

those hours of operation continue to apply until different hours of operation are prescribed in

Local Government (Highways) Amendment Act 2019
Act No. of 2019

s. 7

respect of that highway in
accordance with subsection (1).

- (b) by omitting from subsection (3) “by the corporation”;
- (c) by inserting in subsection (4) “or the Minister for State Highways” after “corporation”.

7. Section 97 amended (Enforcement of controlled parking)

Section 97 of the Principal Act is amended as follows:

- (a) by omitting subparagraphs (i) and (ii) from subsection (1)(a) and substituting the following subparagraphs:
 - (i) unless there is time registered on the meter or virtual meter relating to that parking space; or
 - (ii) for a period longer than the maximum period notified on the meter or sign relating to that parking space;
- (b) by inserting in subsection (1)(b)(i) “, or there is time registered on a virtual meter relating to that parking space” after “on the vehicle”;
- (c) by omitting subparagraph (ii) from subsection (1)(b) and substituting the following subparagraph:

Local Government (Highways) Amendment Act 2019
Act No. of 2019

s. 8

- (ii) for a period longer than the maximum period notified on the voucher machine or sign relating to that parking space;
- (d) by omitting subparagraph (i) from subsection (6)(a) and substituting the following subparagraph:
 - (i) that time could not be registered on the parking meter;
- (e) by omitting from subsection (6)(a)(ii) “the coin or coins inserted” and substituting “the amount of money paid”;
- (f) by omitting from subsection (6)(b)(i) “with a coin or coins of the kind notified on it or on a notice in the vicinity of the machine”;
- (g) by omitting from subsection (7) “person the necessary coins” and substituting “or her person sufficient means”.

8. Section 100 amended (Infringement notices)

Section 100(4) of the Principal Act is amended by omitting “under whose authority the notice was issued” and substituting “of the municipal area in which the relevant parking space is situated”.

Local Government (Highways) Amendment Act 2019
Act No. of 2019

s. 9

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

Section 105 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “of the kind specified on the meter or machine” and substituting “, note or card issued by an authorised deposit-taking institution or other means of payment specified on the meter or machine”;
- (b) by omitting from paragraph (c) “the insertion of such a coin” and substituting “a coin, note or card issued by an authorised deposit-taking institution or by any other means of payment specified on the meter or machine”;
- (c) by inserting in paragraph (e) “or the Minister for State Highways” after “corporation”;
- (d) by inserting in paragraph (f) “or the Minister for State Highways” after “corporation”.

10. Section 108 repealed

Section 108 of the Principal Act is repealed.

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

Section 110 of the Principal Act is amended by omitting subsection (4).

12. Section 123A inserted

After section 123 of the Principal Act, the following section is inserted in Division 2:

123A. Delegation by Minister for State Highways

The Minister for State Highways may delegate any of his or her functions or powers under this Act, other than this power of delegation.

13. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.