Perth Parking Management Act 1999

Perth Parking Management Regulations 1999

Made by the Governor in Executive Council.

1.   Citation

These regulations may be cited as the *Perth Parking Management Regulations 1999.*

2.   Commencement

These regulations come into operation on the day on which section 7 of the *Perth Parking Management Act 1999* comes into operation.

3.   Interpretation

In these regulations, unless the contrary intention appears —

"ACROD sticker" has the same meaning as in the *Local Government (Parking for Disabled Persons) Regulations 1988*;

"Act" means the *Perth Parking Management Act 1999*;

"fire brigade" means a brigade as defined in the *Fire Brigades Act 1942*;

"vehicle of a disabled person" means a vehicle —

(a)   in which a disabled person is either the driver or a passenger; and

(b)   which is identified with an ACROD sticker in accordance with regulation 5 of the *Local Government (Parking for Disabled Persons) Regulations 1988.*

4.   The Perth parking management area

The area within the bold dashed line shown as the boundary of the Perth parking management area on the diagram in Schedule 1 is prescribed as the Perth parking management area for the purposes of section 6 of the Act.

5.   Exemptions

For the purposes of section 7(c) of the Act, a vehicle is parked in prescribed circumstances if —

(a)   the vehicle is parked in or on a building, or on land on which there is a building, by or for a permanent resident of the building, and is parked in a space set aside for the use of the resident by the owner of the building;

> (b) the vehicle is parked in or on a building, or on land on which there is a building, by or for a person who is visiting a permanent resident of the building, and is parked in a space set aside for the use of such visitors by the owner of the building;
>
> (c) the vehicle is parked in or on a building, or on land on which there is a building, by or for a permanent resident of the building who works from his or her home in the building;
>
> (d) the vehicle is parked in an area provided by the City of Perth for the use of people attending a special event, and a person who attends the event is either the driver of the vehicle or a passenger in it.

6. **Applications for a parking bay licence**

(1) For the purposes of section 8(2) of the Act, an application by the owner of land or a building for a parking bay licence for the land or building is to include or be accompanied by the following information —

> (a) the name and address of the applicant;
>
> (b) the address of the land or building;
>
> (c) an approval under the *Town Planning and Development Act 1928* indicating the number of parking bays approved and the uses for which they have been approved.

(2) However, if the approval referred to in subregulation (1)(c) was issued before the commencement of these regulations, then, instead of the approval, the application may be accompanied by a statutory declaration in accordance with section 106 of the *Evidence Act 1906* that declares that the approval was issued and that indicates the number of parking bays approved and the uses for which they have been approved.

7. **Parking bay licence fees**

(1) The annual fee payable for the issue or renewal of a parking bay licence for the parking facilities described in the second column of an item in Schedule 2 is the fee set out in the third column of the item.

(2) However, if a licence fee is paid in instalments with the permission of the CEO under section 11(2) of the Act, the annual fee payable for the licence under subregulation (1) is increased by 5%.

8. **Variation of parking bay licences**

(1) For the purposes of section 15(2) of the Act, an application by a licensee for the variation of a parking bay licence is to include or be accompanied by the following information —

> (a) the name and address of the licensee;

(b)   the address of the land or building to which the licence applies;

(c)   particulars of the variation sought; and

(d)   the approval referred to in subregulation (2), if required.

(2)   If the number of parking bays to be permitted by the varied licence would be greater than the number permitted by the approval under the *Town Planning and Development Act 1928* that was lodged with the application for the licence or for an earlier variation, the application for variation must be accompanied by a further approval under that Act indicating approval for the increase in the number of parking bays and indicating the uses for which the additional bays have been approved.

9.   Infringement notices

For the purposes of section 19(1) of the Act, an infringement notice may be given for an offence described in the third column of an item in Schedule 3 that is alleged to have been committed under the provision of the Act specified in the second column of the item.

10.   Modified penalties for infringements

The modified penalty for an offence referred to in an item in Schedule 3 is the penalty set out in the fourth column of the item.
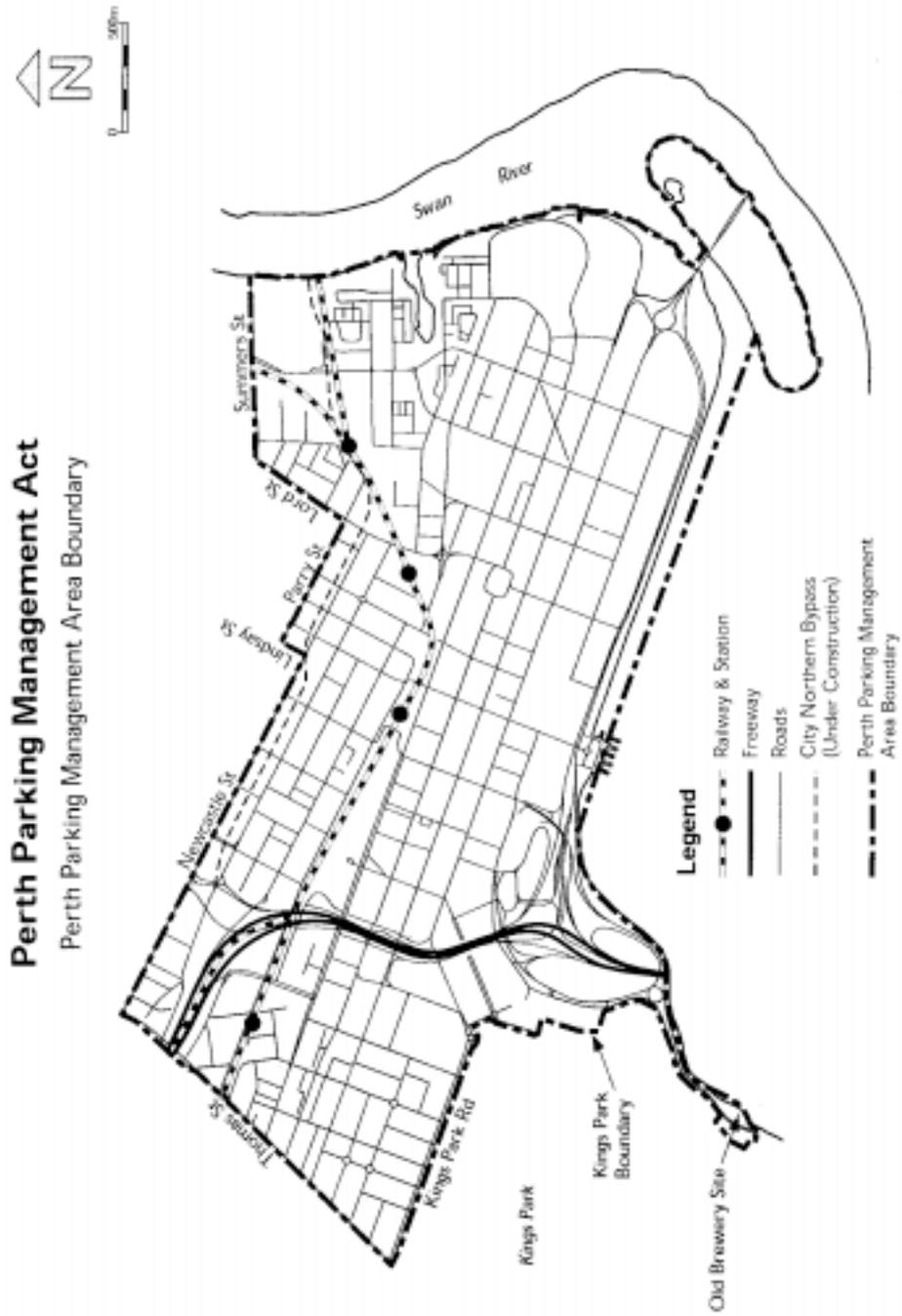
11.   Form of infringement notice

For the purposes of section 19(2) of the Act, the form of an infringement notice is the form set out in Schedule 4.

12.   Form of notice of withdrawal of infringement notice

For the purposes of section 19(6) of the Act, the form of a notice of withdrawal of an infringement notice is the form set out in Schedule 5.

Schedule 1 — The Perth parking management area

[r. 4]

Perth Parking Management Act

Perth Parking Management Area Boundary

Schedule 2 — Licence fees

[r. 7]

Item	Parking facilities	Annual licence fee $
1.	a parking facility that has only 5 parking bays or fewer for the use of vehicles (excluding parking bays of a kind referred to in any of items 2 to 10)	nil
2.	a parking bay that is identified in accordance with regulation 4 of the *Local Government (Parking for Disabled Persons) Regulations 1988* and that is set aside for parking vehicles of disabled persons	nil
3.	a parking bay in a commercial parking facility leased to a resident of the City of Perth who has no access as a resident of the City to exempt parking facilities of the kind referred to in regulation 5(a) or (c)	nil
4.	a parking bay clearly identified as being solely for vehicles engaged in unloading or loading goods or passengers	nil
5.	a parking bay set aside solely for a vehicle being used to transport patients or blood, or to deliver meals to the aged or infirm or to a hospital	nil
6.	a parking bay being used for a vehicle that forms part of a display, such as a vehicle offered as a prize in a raffle	nil
7.	a parking bay set aside for the use of passenger buses during layover periods	nil
8.	a parking bay used solely for parking an ambulance being used for operational purposes or a vehicle being used for operational purposes by a member of the Police Force or a member of a fire brigade	nil
9.	a parking bay used solely for servicing, inspecting, repairing, fuelling or maintaining vehicles	nil
10.	a parking bay used solely for a vehicle that forms part of the stock of a business of a motor vehicle dealer who holds a licence under the *Motor Vehicle Dealers Act 1973*	nil
11.	a facility that has more than 5 parking bays for the use of vehicles (excluding bays set aside for the exclusive use of vehicles referred to in any of items 2 to 10) —	
	• for each motor cycle bay	35
	• for each bay for the use of any other kind of vehicle	70

Schedule 3 — Infringement notice offences and modified penalties

[rr. 9, 10]

Item	Provision of Act	Description of offence	Modified penalty $
1.	Section 7	permitting a vehicle to be parked on the land or in or on a building in the Perth parking management area for which no parking bay licence is in force	500
2.	Section 14	failing to give notice of a change in the ownership of land or a building for which a parking bay licence is in force	200
3.	Section 18(1)	failing to comply with a parking bay licence	500
4.	Section 18(2)	advertising or otherwise indicating that parking is available on land or in or on a building for which a parking bay licence is in force while the licence does not permit parking as advertised or otherwise indicated	500
5.	Section 18(3)	advertising or otherwise indicating that parking is available on land or in or on a building in the Perth parking management area for which no parking bay licence is in force	500
6.	Section 22	obstructing an inspector in the performance of his or her functions or the exercise of his or her powers under the Act	500

Schedule 4 — Form of infringement notice

[r. 11]

Perth Parking Management Act 1999

*Perth Parking Management Regulations 1*999

INFRINGEMENT NOTICE

Date of this notice ……/……/……

To: …………………………………………………………………………

of: ……………………………………………………………………….

Details of vehicle (if applicable) …………………………………………..

It is alleged that on ……/……/…… at …………………………………..

you committed the following offence —

……………………………………………………………………………

……………………………………………………………………………

……………………………………………………………………………

contrary to section ………… of the *Perth Parking Management Act 1999.*

The modified penalty for the alleged offence is $……..

If you do not wish to have a complaint of the alleged offence heard and determined by a court, you may pay the amount of the modified penalty shown above to the Director General of Transport at ………………………… within 28 days after the date of this notice.

Name and title of inspector giving this notice …………………………….

………………………………….

Signature　　　　　　　　　　　………………………………..

Schedule 5 — Form of notice of withdrawal of infringement notice

[r. 12]

Perth Parking Management Act 1999

Perth Parking Management Regulations 1999

NOTICE OF WITHDRAWAL OF
INFRINGEMENT NOTICE

Date of this notice ……/……/……

To: ……………………………………………………………………

of: …………………………………………………………………….

Infringement notice No. …… dated ……/……/…… that was issued for

the alleged offence of ……………………………………………..

……………………………………………………………………

……………………………………………………………………

……………………………………………………………………

contrary to section ……… of the *Perth Parking Management Act 1999* has been withdrawn.

The modified penalty of $……….

- was paid, and a refund is enclosed

- was not paid and should not be paid

      (delete as appropriate)

Name and title of inspector giving this notice ……………………………..

           ……………………………….

Signature   ……………………………….

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By Command of the Governor,

         ROD SPENCER, Clerk of the Executive Council.

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