



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

875



PERTH, TUESDAY, 18 MARCH 2008 No. 46

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

© STATE OF WESTERN AUSTRALIA

LOCAL GOVERNMENT ACT 1995

CITY OF FREMANTLE

**CITY OF FREMANTLE
PARKING AMENDMENT
LOCAL LAW 2008**

LOCAL GOVERNMENT ACT 1995

CITY OF FREMANTLE

**CITY OF FREMANTLE PARKING AMENDMENT
LOCAL LAW 2008**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Fremantle resolved on 27 February 2008 to make the "*City of Fremantle Parking Amendment Local Law 2008*".

In this local law, the *City of Fremantle Parking Local Law 2006* as published in the *Government Gazette* on 29 November 2006 is referred to as the principal local law. The principal local law is amended as follows.

ARRANGEMENT

PART 1—PRELIMINARY

- 1.1 Title
- 1.2 Commencement

PART 2— PARKING LOCAL LAW AMENDMENT

- 2 Amendments

PART 1—PRELIMINARY**1.1 Title**

This local law may be cited as the *City of Fremantle Parking Amendment Local Law 2008*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

PART 2—PARKING LOCAL LAW AMENDMENT

2.1 In clause 3(1)—

- (a) delete the text of the definition for the term "metered stall", and substitute the following—
"means a parking stall in or adjacent to which a parking meter is installed, and which is within a metered zone;"
- (b) delete the text of the definition for the term "metered zone", and substitute the following—
"means such roads or reserves or such part(s) of a road or reserve in which a parking meter(s) is/are installed, and being on a permitted day or during a permitted period;" and,
- (c) delete the text of the definition for the term "ticket issuing machine zone" and substitute the following—
"means such roads or reserves or such part(s) of a road or reserve where any ticket issuing machine(s) is/are installed on-road to control a number of parking stalls, and being during a permitted period, but does not include a parking station;"

2.2 In clause 6—

- (a) in sub-clause (1) delete the words "stopping or parking" and substitute the words "use, driving, stopping, parking, or leaving", and
- (b) in paragraph (b) of sub-clause (2), delete the words "parking or stopping" and substitute the words "use, driving, stopping, parking, or leaving".

2.3 In clause 7 delete the words “or by delegated authority,”.

2.4 In clause 11 delete the words “or by delegated authority”.

2.5 In clause 14—

- (a) delete the words “**Restrictions and**” in the heading to the clause,
- (b) delete sub-clauses (1), (2), and (3) and substitute the following—

“A person shall not stop or park a vehicle, notwithstanding whether such stopping or parking is or is not broken by any intervening movement(s) of the vehicle, so that the vehicle or any part thereof is present within a metered zone on any permitted day or during any permitted period on any day for more than the maximum time limit applicable to such part specified by a sign, unless the vehicle has been removed from the road or reserve in which the zone is located, during or upon the completion of such maximum time limit for a period of at least two hours, and so for any subsequent stopping or parking of such vehicle within such zone on that day.”.

2.6 In clause 16 delete the text to sub-clause (1) and substitute the following—

“A person shall not stop or park a vehicle, notwithstanding whether such stopping or parking is or is not broken by any intervening movement(s) of the vehicle, so that the vehicle or any part thereof is present within a ticket issuing machine zone during any permitted period on any day for longer than the maximum period applicable to such part, unless the vehicle has been removed from the road or reserve in which the zone is located, during or upon the completion of such maximum period for a period of at least two hours, and so for any subsequent stopping or parking of such vehicle within such zone on that day.”.

2.7 In clause 19 delete the words “or by delegated authority,”.

2.8 In clause 20 delete the sentence “For the purpose of calculating fees in an attended parking station, the expression “stopping or parking” includes and may consist solely of the presence of a vehicle in a parking station.”.

2.9 Delete the text to clause 21(1)(d)(i) and substitute the following—

“which are let for long-term parking, the appropriate unexpired ticket issued in respect of a vehicle is displayed inside the vehicle in a prominent position in such a manner so the particulars thereon are clearly visible to and able to be read by an authorised person from outside of and from the front of the vehicle at all times while the vehicle remains stopped or parked in the parking station, and the relevant conditions of such ticket being the parking station number, the floor level or the part or section of the parking station, are adhered to; and”.

2.10 In clause 22 delete the words “or by delegated authority”.

2.11 In clause 23(4) delete the words “or by delegated authority”.

2.12 In clause 25—

- (a) after the word “remove” in sub-clause (1), insert the words “or attempt to remove”,
- (b) delete the word “present” wherever it occurs in sub-clause (1), substituting the words “stopped or parked”,
- (c) in sub-clause (2) after the word “remove”, insert the words “or attempt to remove”, and
- (d) in sub-clause (2) delete the word “present” wherever it appears, substituting the words “stopped or parked”.

2.13 In clause 28—

- (a) delete the text to sub-clause (3) and substitute the following—

“A person shall not stop or park a vehicle, notwithstanding whether such stopping or parking is or is not broken by any intervening movement(s) of the vehicle, so that the vehicle is present within a parking station for more than the maximum time limit specified by a sign, or any part of the vehicle is within a section or a part of a parking station which has a maximum time limit specified by a sign, for more than that maximum time limit, unless the vehicle has been removed from the parking station during or upon the completion of such maximum time limit for a period of at least two hours, and so for any subsequent stopping or parking of such vehicle in such parking station or any section or part of such parking station on that day.”, and

- (b) delete the text to sub-clause (4) and substitute the following—

“A person shall not stop or park a vehicle in a parking station if such vehicle has been stopped or parked on the same day on a part of such parking station where stopping or parking is subject to a maximum time limit specified by a sign, whether or not the maximum time limit for such part of the parking station was then reached or exceeded, unless the vehicle has been removed from such parking station for a period of at least two hours, and so for any subsequent stopping or parking of such vehicle within such parking station on that day.”.

2.14 In clause 30—

- (a) delete sub-clause (5), and
- (b) delete the expression “(6)” which identifies sub-clause (6) of that clause and substitute the expression “(5)”.

2.15 In clause 31 delete all the words appearing after the words “to or from the parking station”.

2.16 Delete the text to clause 32 and substitute the following—

“A person shall not, without the written permission of the Local Government, in or upon any part of a parking station, offer or expose for sale, hire, free of charge and/or subject to any condition(s), any goods (including a vehicle) or service of any nature or kind whatsoever, such goods or service being offered, exposed or intended to be exposed in that part of the parking station.”.

2.17 In clause 35—

(a) delete sub-clauses (2) and (3), and

(b) delete the expression “(1)” which identifies sub-clause (1) of that clause.

2.18 In clause 36 delete the words “or by delegated authority,”.

2.19 Delete the text to clause 37(2) and substitute the following—

“A person shall not stop or park a vehicle, notwithstanding whether such stopping or parking is or is not broken by any intervening movement(s) of the vehicle, so that the vehicle or any part thereof is present upon a part of a road whether or not that part of the road is marked with a parking stall or stalls, where such part has a maximum time limit specified by a sign, for more than that maximum time limit, unless the vehicle has been removed from that road during or upon the completion of such maximum time limit for a period of at least two hours, and so for any subsequent stopping or parking of such vehicle upon such road on that day.”.

2.20 Delete the text to clause 40 and substitute the following—

“A person shall not stop or park a motor cycle, notwithstanding whether such stopping or parking is or is not broken by any intervening movement(s) of the motor cycle, so that the motor cycle or any part thereof is present upon a part of a road that is marked with a parking stall or stalls marked with the symbol “M/C”—

(a) for more than the maximum time limit specified by a sign, or,

(b) if there is no sign referring to the parking stall or stalls, then for more than the maximum time limit for which a vehicle may occupy any adjacent parking stall,

unless the motor cycle has been removed from that road during or upon the completion of such maximum time limit for a period of at least two hours, and so for any subsequent stopping or parking of such motor cycle upon such road on that day.”.

2.21 In clause 43(a) insert after the words “thereto as” the words “is likely”.

2.22 In clause 45 immediately after the words “stop or park a vehicle” delete the words “on a carriageway” and substitute the words “upon a road”.

2.23 Delete the text to clause 47(2) and substitute the following—

“A person shall not stop or park a vehicle, notwithstanding whether such stopping or parking is or is not broken by any intervening movement(s) of the vehicle, so that the vehicle or any part thereof is present upon a part of a road verge whether or not that part is marked as a parking stall, for more than the maximum time limit specified by a sign unless the vehicle has been removed from that road during or upon the completion of such maximum time limit for a period of at least two hours, and so for any subsequent stopping or parking of such vehicle upon that part of such road on that day.”.

2.24 Delete the text to clause 49 and substitute the following—

“A person shall not stop or park a vehicle upon a road if such vehicle has been stopped or parked on the same day upon a part of such road where stopping or parking is subject to a maximum time limit specified by a sign, whether or not the maximum time limit for such part of such road was then reached or exceeded, unless the vehicle has been removed from such road for a period of at least two hours, and so for any subsequent stopping or parking of such vehicle upon such road on that day.”.

2.25 Delete the text to clause 50(1) and substitute the following—

“A person shall not stop or park a vehicle, notwithstanding whether such stopping or parking is or is not broken by any intervening movement(s) of the vehicle, so that the vehicle or any part thereof is present within a loading zone, unless the vehicle is a goods vehicle and is—

(a) actively engaged in the picking up or setting down of goods, or

(b) in any event for not longer than the maximum time limit specified by a sign, or for not longer than thirty minutes if no maximum time is specified on the sign, unless the vehicle has been removed from that zone during or upon the completion of the relevant maximum time limit for a period of at least two hours, and so for any subsequent stopping or parking of such vehicle in that zone on that day.”.

2.26 In clause 51, delete the clause heading and substitute “**Repair or Sale of Vehicles**”.

2.27 In clause 54(1) delete the words after the word “displayed” and substitute the words “in a prominent position, in such a manner as to be clearly visible from the front of the vehicle.”.

2.28 Delete the text to clause 56 and substitute the following—

“A person shall not stop or park a vehicle, notwithstanding whether such stopping or parking is or is not broken by any intervening movement(s) of the vehicle, so that the vehicle or any part thereof is or continues to be present on land which is not a road or parking facility without the consent of, or otherwise than in accordance with the consent of the owner or person in occupation of such land.”.

2.29 Delete the text to clause 57 and substitute the following—

“A person shall not stop or park a goods vehicle, notwithstanding whether such stopping or parking is or is not broken by any intervening movement(s) of the vehicle, so that the vehicle or any part thereof is present upon a road verge—

- (a) on any day for a period exceeding four consecutive hours, or,
- (b) for the apparent purpose of repairing, servicing, or cleaning such vehicle.”.

2.30 Delete the text to clause 59 and substitute the following—

“Where the stopping or parking of a vehicle on any part of a road within the District, whether such part be marked as a parking stall or not, is prohibited for longer than a specified time, the holder of a Residential Parking Permit, a Multi-purpose Parking Permit, or a temporary parking permit issued pursuant to this Part, is exempted from such prohibition, and the driver of a vehicle in which a Multi-purpose Parking Permit is displayed in accordance with this clause is exempted from such prohibition, provided that such exemption shall apply only—

- (a) to the road, roads, parking stall or parking station specified in the permit;
- (b) in the case of a Residential Parking Permit, if that permit is affixed to the lower portion of the passenger side of the front windscreen above the Certificate of Registration so the particulars thereon are clearly visible to and able to be read by an authorised person from outside of the vehicle at all times while the vehicle remains stopped or parked in the permitted area, and being the responsibility of such person to take all precautions as may be necessary so as to ensure the permit is displayed and remains displayed as required by this clause, and the vehicle to which the permit is attached is the vehicle in respect of which the permit was issued;
- (c) in the case of a Multi-purpose Parking Permit, or a temporary parking permit issued pursuant to this Part, if that permit is displayed inside the vehicle in a prominent position in such a manner so the particulars thereon are clearly visible to and able to be read by an authorised person from outside of and from the front of the vehicle at all times while the vehicle remains stopped or parked in the permitted area, and being the responsibility of such person to take all precautions as may be necessary so as to ensure the permit is displayed and remains displayed as required by this clause;
- (d) if the period in respect of which the Residential Parking Permit, Multi-purpose Parking Permit, or temporary parking permit issued pursuant to this Part, was issued has not expired;
- (e) if at the time of stopping or parking such vehicle the holder of the Residential Parking Permit, Multi-purpose Parking Permit, or temporary parking permit issued pursuant to this Part, still lives in the premises in respect of which the Residential Parking Permit, Multi-purpose Parking Permit, or temporary parking permit issued pursuant to this Part, was granted;
- (f) if the vehicle is not—
 - (i) a caravan, motor home or trailer; or
 - (ii) a commercial vehicle that exceeds 7.5 metres in length or 4.5 tonnes gross vehicle mass; and
- (g) in the case of a Multi-purpose Parking Permit, if the place where the vehicle is parked is not within a metered zone or a ticket issuing machine zone.”.

2.31 Delete the text to clause 60 and substitute the following—

- “(1) The Local Government may, upon receipt of a completed approved form and payment of the applicable fee(s) prescribed in the Fees Schedule, issue a Residential Parking Permit and/or a Multi-purpose Parking Permit for a period not exceeding one year to a person who is—
- (a) the owner or occupier of a single house or residential unit fronting a road within the District and who lives in that house or residential unit;
 - (b) the owner or occupier of a single house or residential unit which has not had renovation(s) carried out after January 1993 which has affected that parking availability on the property; and
 - (c) in the case of a Residential Parking Permit, the holder of the requisite vehicle licence under the *Road Traffic Act 1974* for a vehicle licensed at the address shown on the application or a work vehicle which is certified by an employer or principal as being a vehicle assigned to the person.
- (2) The maximum number of Residential Parking Permits that can be issued in respect of a single house or residential unit where there is no adequate off-road parking on the site is as per the eligibility table in sub clause (8) of this clause.
- (3) No more than one Multi-purpose Parking Permit may be issued for a single home or residential unit, as per the eligibility table in sub clause (8) of this clause, and subject to sub-clause (6) of this clause.
- (4) Residential Parking Permits or Multi-purpose Parking Permit shall not be issued in respect of—
- (a) caravans, motor homes, trailers; or
 - (b) commercial vehicles that exceed 7.5 metres in length or 4.5 tonnes gross vehicle mass.
- (5) The Local Government may restrict the number of Residential Parking Permits or Multi-purpose Parking Permits that can be issued in respect of particular roads or particular areas.

- (6) Notwithstanding sub-clauses (8) and (9) of this clause, the Local Government shall not issue a Multi-purpose Parking Permit to a person whose place of residence is—
- upon a parcel of land having a boundary or part of a boundary which is contiguous to a road, and
 - such road has adjacent to that boundary or part thereof, a metered zone or a ticket issuing machine zone, and
- for the purpose of this sub-clause—
- the frequency of occurrence of the permitted day,
 - the length in time of a permitted period,
 - the frequency of occurrence of the permitted period, or
 - a suspension of the operation of the zone for any temporary purpose,
- shall be irrelevant.
- (7) Residential Parking Permits and Multi-purpose Parking Permits cannot be issued to the owner or occupier of a residential unit in a residential complex unless the parking prohibitions that apply to the street or road that the residential complex is accessible from were implemented after the person became the owner or occupier of the residential unit.
- (8) The Residential Parking Permit and Multi-Purpose Parking Permit eligibility table is shown in this sub-clause and shall, subject to sub-clause (6) of this clause, be read as follows: the maximum number of permits that can be issued, as shown in the right hand column, shall be read in accordance with each of the two columns to the left, having regard to the number of parking bays on site and the number of vehicles registered to the residential address—

Number of parking bays on site	Number of vehicles registered to the residential address	Maximum number of permits that can be issued
Nil	Nil	1 Multi-Purpose Parking Permit
	1	1 Residential Parking Permit 1 Multi-Purpose Parking Permit
	2 or more	2 Residential Parking Permits 1 Multi-Purpose Parking Permit
1	Nil	Nil
	1	1 Multi-Purpose Parking Permit
	2 or more	1 Residential Parking Permit 1 Multi-Purpose Parking Permit
2	Nil	Nil
	1	Nil
	2 or more	1 Multi-Purpose Parking Permit

- (9) Where a person—
- having made an application for the issue of a permit(s) pursuant to this Part is not eligible to be issued with any or all of such permit(s) because of the operation of this clause; and
 - such person has submitted in writing to the Local Government the reason(s) in support of the issue of such permit(s);
- the Local Government may issue a Residential Parking Permit and/or a Multi-Purpose Parking Permit in accordance with sub-clause (8) of this clause and subject to sub-clause (6) of this clause to such person, having had regard to the circumstances and having concluded that the reason(s) submitted warrant the issue of such permit(s).
- (10) Without this sub-clause operating so as to affect the outcome of the assessment of an application made pursuant to this clause, the Local Government may issue a temporary parking permit(s) pursuant to this Part upon receipt of and in respect to an application pursuant to and in accordance with this clause, for a period which in the opinion of the Local Government is approximately equal to the duration of the assessment of such application, and in any case up to a maximum of 6 months, and in such number equal to the number of Residential Parking Permits which, in the opinion of the Local Government at the time of receiving the application, if the application were to be successful, the applicant may be issued in accordance with the operation of sub-clause (8) of this clause.
- (11) The issue of a permit(s) pursuant to this Part by the Local Government shall not require the Local Government to renew any or all of the permit(s) so issued, nor shall it require the Local Government to issue a permit(s) in other similar circumstances or locations.
- (12) In this clause—
- “**single house**” means premises constructed on its own lot and lawfully used for self-contained living quarters and which is adjacent to a part of a road on which the stopping or parking of vehicles is prohibited for more than a specified period;

“**residential complex**” means a group of 9 or more residential units with a common driveway or access way;

“**residential unit**” means a premises used for self-contained living quarters and which is part of a building adjacent to a part of a road on which the stopping or parking of vehicles is prohibited for more than a specified period; and,

“**approved form**” means a form(s) approved by a person authorised to do so by the Chief Executive Officer, City of Fremantle, for the purpose of applying for a permit(s) pursuant to this Part.”.

2.32 Delete the text to clause 61 and substitute the following—

- (1) Notwithstanding that renewal notices for permits issued pursuant to this Part will be issued approximately one month before expiry, it is the responsibility of the permit holder to renew his/her permit(s) prior to expiry. Where the permit holder allows a permit to expire, a fresh original application pursuant to clause 60 shall be required.
- (2) A permit issued pursuant to this Part is not transferable from a permit holder to another person or from a permit holder’s residence to the residence of another person. Residential Parking Permits are not transferable from a vehicle to another vehicle or from a vehicle registration number to a vehicle registration number having different symbols, unless an application to change the relevant particulars recorded by the Local Government in respect of such permit(s) has been made to, and has been authorised and effected by the Local Government.
- (3) A person shall not display in a vehicle a permit issued pursuant to this Part which has been altered, added to, or defaced in any way, or where any of the particulars shown thereon is/are illegible.
- (4) The Local Government may at any time suspend, cancel, or vary the conditions of issue and/or use of a permit issued pursuant to this Part.
- (5) Sub-clause (4) of this clause applies to a permit issued pursuant to this Part, whether or not such issue was prior to the commencement of that sub-clause.”.

2.33 Delete the text to clause 64 and substitute the following—

“Every holder of a Residential Parking Permit—

- (a) upon,
 - (i) changing his/her place of residence,
 - (ii) disposing of the subject vehicle, or
 - (iii) the subject vehicle(s) being issued with and displaying registration number plates having identification symbols different to those recorded by the Local Government in respect of such permit(s), or
- (b) whose Residential Parking Permit(s) has been suspended, cancelled, or for which the conditions of use have been varied,

shall forthwith remove such permit(s) from the vehicle(s) to which it is affixed and return the permit(s) to the Local Government by forthwith delivering it to an authorised person at the Local Government.”.

2.34 Delete the whole of clause 65 and substitute the following—

“Withdrawal Of Multi-purpose Parking Permit and Temporary Parking Permit

Every holder of a Multi-purpose Parking Permit, or a temporary parking permit issued pursuant to this Part,

- (a) upon changing his/her place of residence, or
- (b) whose Multi-purpose Parking Permit, or temporary parking permit issued pursuant to this Part, has been suspended, cancelled, or for which the conditions of use have been varied,

shall forthwith return such permit(s) to the Local Government by forthwith delivering it to an authorised person at the Local Government.”.

2.35 In clause 66 delete the word “for” and substitute the words “in relation to”.

2.36 In clause 67—

- (a) delete the words “insert, cause to be inserted, or attempt to do so, or suffer, permit or allow so to be done,” and substitute the words “insert or attempt to insert” in sub-clause (1), and
- (b) after the words “upon or near such facility,” delete the words “cause or attempt so to do, or suffer, permit or allow so to be done,” and substitute the words “or attempt so to do,” in sub-clause (2).

2.37 In clause 69—

- (a) delete the words “by resolution or by delegated authority,” in sub-clause (1), and
- (b) delete sub-clause (4).

2.38 In clause 70 delete the words “cause, attempt, suffer, permit or allow” and substitute the word “attempt”.

2.39 Delete the whole of the text of clause 71 and substitute the following—

“Parking Tickets and Permits

- (1) A person shall not display in or upon a vehicle—
- (a) a ticket purchased from a ticket issuing machine or from any place authorised by the Local Government; or,
 - (b) a permit;
- which has been altered, added to, or defaced in any way, or which has any of the particulars upon it that is/are illegible.
- (2) A ticket or permit which has been altered, added to, or defaced in any way, or which has any of the particulars recorded upon it that is/are illegible, ceases to have any effect toward the purpose for which it was issued.
- (3) The Local Government may at any time suspend, cancel, or vary the conditions of issue and/or use of, a permit.
- (4) A person to whom a permit has been issued, shall—
- (a) upon being required to return the permit to the Local Government, or
 - (b) where the place of residence was a significant consideration for the issue, granting, or continued use of the permit,
 - (i) upon changing his/her place of residence,
 - (ii) upon disposing of the subject vehicle, or
 - (iii) upon the subject vehicle being issued with and displaying registration number plates having identification symbols different to those recorded by the Local Government in respect of such permit,
 where the permit is affixed to the vehicle, remove it from the vehicle, and in any case return the permit to the Local Government by forthwith delivering it to an authorised person at the Local Government.
- (5) For the purpose of this clause—
- “permit” includes—
- a document, label, token or other device relating to the stopping or parking of a vehicle, whether or not required to be issued by this Local Law, and issued by the Local Government or any place authorised by the Local Government.”

2.40 Delete the text of clause 72 and substitute the following—

“A person, not being an authorised person in the course of duty, shall not without the written permission of the Local Government draw, paint or write upon, or affix any thing upon any part of a parking meter, ticket issuing machine, pay station, or parking station, or attempt so to do.”

2.41 Delete the whole of clause 75 and substitute the following—

“75 Notice to Owner of Vehicle

- (1) A notice under section 9.13 of the Act to the owner of a vehicle that is involved in an offence against this Local Law in which the use, driving, parking, stopping or leaving a vehicle is an element shall be in the form of Form 1 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (2) An infringement notice under section 9.16 of the Act to an alleged offender in respect of an offence against this Local Law shall be in the form of Form 2 of Schedule 1 to the *Local Government (Functions and General) Regulations 1996*.”

2.42 Delete the whole of clause 76 and substitute the following—

“76 Infringement Notice to Alleged Offender

The form of the infringement notice referred to in sections 9.16 and 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of the form shown in Schedule 1.”

2.43 In clause 78, delete the words “deface, or remove or cause to be removed from such vehicle” and substitute the words “deface or remove from such vehicle, or attempt to do so.”

2.44 In clause 79 delete the words “or cause or attempt any such act, or permit or allow” and substitute the words “or attempt to do so.”

2.45 Delete the text to clause 80 and substitute the following—

“A person shall not, without the authority of the Local Government, an authorised person, or a sworn member of the Western Australia Police Service in the execution of his/her duty, remove, move, cover, deface, damage, or otherwise interfere with any sign or similar device whether fixed or portable, erected, displayed, marked, placed, deployed, set up or exhibited by the Local Government or an authorised person, or attempt any such act.”

2.46 In paragraph 81(1)(f) delete the words “not being a notice pursuant to section 9.13 or section 9.18 of the Act,” and substitute the words “such notice being a notice”.

2.47 In clause 82 delete sub-clauses (1) and (2) and substitute the following—

- (1) A person shall not stop or park, or continue to stop or park a vehicle, upon any part of a road, footpath or place of refuge for pedestrians, parking station, reserve, or any other public place whatsoever, or otherwise remain within the vicinity of such part or place, whether or not the person or the vehicle is otherwise lawfully present, upon the direction of an authorised

person, or a sworn member of the Western Australia Police Service in the execution of his/her duty, to leave the area, or otherwise than in accordance with such other direction as the authorised person or member may give.

- (2) A person shall not use a vehicle to return to or be within the vicinity of the location in respect of which a direction to leave the area pursuant to sub-clause (1) of this clause has been given, where either the person or the vehicle, or both the person and the vehicle, was or were the subject of such direction, within a period being less than two hours after the direction having been given.”.

2.48 In clause 83 delete the words “supply, tender, or cause, permit or allow to be supplied or tendered to a” and substitute the words “supply or tender to the”.

2.49 In clause 84—

- (a) delete the words “or causes”, and
(b) insert after the expression “(\$5,000.00)” the words “, excepting clause 54 which shall not exceed one thousand dollars (\$1,000.00)”.

2.50 Delete the text to clause 88 and substitute the following—

“A person shall not stop or park a vehicle or any combination of vehicles which 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 4.5 tonnes gross vehicle mass, so that it/they are present—

- (a) upon a road in a built up area, on any day for a period exceeding one hour, unless actively engaged in the picking up or setting down of goods;
(b) upon 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; or
(c) in a parking station or upon a reserve, except in a truck bay or other area set aside for the parking of goods vehicles.”.

2.51 Delete clause 93.

2.52 Re-number the clause designation “94” to “93”.

2.53 Delete Schedule 1 and substitute the following—

“Schedule 1

LOCAL GOVERNMENT ACT 1995

CITY OF FREMANTLE PARKING LOCAL LAW 2006

NOTICE OF OFFENCE AND INFRINGEMENT NOTICE

Infringement No.

Date/...../.....

To: (1)

of: (2)

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

(3)

at (4) your vehicle

(5)

was involved in the commission of the following offence—

contrary to clause of the City of Fremantle Parking Local Law 2006.

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 (6) within a period of 28 days after the giving of this notice or such further time as is allowed.

Unless within 28 days after being served with this notice or such further time as is allowed—

- (a) you pay the modified penalty; or
(b) you—
(i) inform the chief executive officer, or another authorised officer, of the City 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; or
(ii) 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,

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 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 changed 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 may have being suspended without your knowledge.

- (7)
- (8)

- (1) Name of owner or "owner of (*vehicle identification*)"
- (2) Address of owner (not required if owner not named)
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed
- (5) Vehicle identification
- (6) Place where modified penalty may be paid
- (7) Title of authorised person giving the notice
- (8) Signature of the authorised officer giving the notice".

2.54 In Schedule 2—

- (a) delete the entire entry for clause 14(1)(b),
- (b) delete the entire entry for clause 14(2)(b),
- (c) in the left hand column under the heading "*Clause*", delete the expression "14(3)" and substitute the numerals "14",
- (d) delete the entire entry for clause 30(5),
- (e) in the left hand column under the heading "*Clause*", delete the expression "30(6)" and substitute the expression "30(5)",
- (f) immediately below the entry for clause 30(6) insert in the left hand column under the heading "*Clause*" the number "32", and in the middle column under the heading "*Nature of Offence*" insert the words "Expose goods/services for sale (pkg stn)", and in the right hand column under the heading "*Modified Penalty \$*" insert the expression "35.00",
- (g) in the right hand column under the heading "*Modified Penalty \$*" for the entry relating to clause 54(1) appearing in the left hand column under the heading "*Clause*", delete the expression "\$100.00" and substitute the expression "120.00",
- (h) in the left hand column under the heading "*Clause*", delete the expression "71(a)" and substitute the expression "71(1)(a)", and in the middle column headed "*Nature of Offence*" for that entry, delete the words "Display altered/defaced parking ticket" and substitute the words "Display altered/defaced/illegible ticket".
- (i) in the left hand column under the heading "*Clause*", delete the expression "71(b)" and substitute the expression "71(1)(b)", and in the middle column headed "*Nature of Offence*" for that entry, delete the words "Display altered/defaced parking permit" and substitute the words "Display altered/defaced/illegible permit".
- (j) in the left hand column under the heading "*Clause*" delete the expression "94(1)" and substitute the expression "93(1)",
- (k) in the left hand column under the heading "*Clause*" delete the expression "94(2)(a)" and substitute the expression "93(2)(a)",
- (l) in the left hand column under the heading "*Clause*" delete the expression "94(2)(b)" and substitute the expression "93(2)(b)".

Dated this 28th day of February 2008.

The Common Seal of the City of Fremantle was hereunto affixed by the authority of a resolution of the Council of the City of Fremantle in the presence of—

P. TAGLIAFERRI, Mayor.
G. MACKENZIE, Chief Executive Officer.