

CITY OF PERTH PARKING FACILITIES.

5° Elizabeth II., No. LXXXVI.

No. 86 of 1956.

(Affected by Acts No. 57 of 1958 and 113 of 1965)

[As amended by Acts—

No. 32 of 1958, assented to 27th November, 1958 ;

No. 51 of 1961, assented to 23rd November, 1961 ;

No. 81 of 1965, assented to 7th December, 1965 ;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT to provide for the Control and Regulation by the Council of the City of Perth of the Parking or Standing of Vehicles in certain defined regions within the District of the City of Perth ; to confer on the Council certain powers in relation to such Control and Regulation and in relation to the Establishment, Provision and Operation of Parking Stations and Parking Facilities, including the Installation and Operation of Parking Meters, the provision of Zones and Spaces or Stalls for the Installation of Parking Meters within those regions ; to vest in the Council the Care, Control and Management of those Stations, Facilities, Zones, Spaces and Meters ; to authorise the Council to Borrow certain Moneys and to Regulate the Application of those Moneys and other Revenue received by the Council from Sources authorised by this Act ; to amend the Traffic Act, 1919-1955 and for other purposes.

[Assented to 18th January, 1957.]

BE it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the *City of Perth Parking Facilities Act, 1956-1965*.

Short title.
Amended by
No. 81 of
1965, s. 1.

Arrangement.

2. This Act is arranged as follows :—

PART I.—PRELIMINARY, ss. 3-6.

PART II.—FINANCE AND ADMINISTRATION, ss. 7-15.

PART III.—PARKING CONTROL AND INSPECTORS,
ss. 16-19.

PART IV.—REGULATIONS AND BY-LAWS, ss. 20-21.

PART V.—MISCELLANEOUS, ss. 22-25.

THE SCHEDULE.

PART I.—PRELIMINARY.

Commencement.

3. (1) This Act shall come into operation on a day to be fixed by proclamation.¹

(2) After the passing of this Act and notwithstanding that a day has not been fixed by proclamation as that of the coming into operation of this Act,

(a) any parking region may be constituted and defined ; and

(b) the Council may exercise such powers conferred on it and perform such duties and obligations imposed on it by this Act as may be necessary or expedient for the purpose of bringing this Act into operation on that day

as validly as if this Act had been proclaimed to come into operation but no regulation or by-law shall have force or effect until that day.

(3) The provisions of subsection (2) of this section are in addition to and not in derogation of those of section eleven or any other provisions of the Interpretation Act, 1918.

Interpretation.
Amended by
No. 32 of
1958, s. 2.

4. In this Act unless the context requires otherwise—

“ driver ” includes rider ;

“ inspector ” means a parking inspector appointed by the Council under this Act, and includes a Chief Parking Inspector, Senior Parking Inspector or Assistant Parking Inspector so appointed ;

¹ Came into operation on 28/7/53. See G.G. 18/7/58, p. 1006.

- “ metered space ” means a section or part of a metered zone in or adjacent to which a parking meter is installed and which 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 road or reserve or any part of a road or reserve in which parking meters are installed ;
- “ Minister ” means Minister for Transport or such other member of the Executive Council as is for the time being charged by the Governor with the administration of this Act ;
- “ owner ” of a vehicle means the person who is the holder of the requisite vehicle license under the Traffic Act, 1919 in respect of that vehicle, or, if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession ;
- “ parking ” means the standing of a vehicle, when not employed in taking up or setting down persons or goods, but does not include the standing of a vehicle in compliance with a traffic sign or direction or with an order of a member of the Police Force or an inspector lawfully made or given ; and the verb “ to park ” and its inflections and derivatives have correlative meanings ;
- “ parking facilities ” includes land, buildings, shelters, metered zones, metered spaces, signs, notices and other facilities open to the public generally for the parking of vehicles with or without charge ;
- “ parking meter ” includes the stand on which the meter is erected ;
- “ parking station ” means any land, building or other structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space or private garage ;

Cf. N.S.W.
Motor Traffic
Act, 1809-1955,
s. 270C.

“ road ” means any road, street, lane, thoroughfare or similar place which is within a parking region and is under the care, control and management of the Council ; and includes a footpath appurtenant thereto ;

“ standing ” includes the standing of a vehicle whether or not employed in taking up or setting down persons or goods and inflections of the verb “ to stand ” have correlative meanings ;

“ the Council ” means the Council of the City of Perth ;

“ the district ” means the municipal district of the City of Perth ;

“ vehicle ” includes any vehicle which comes within the interpretation of that expression in the Traffic Act, 1919.

Application
of Act to
parking
regions only.

5. (1) This Act does not apply in respect of any area, road or portion of a road which is not within a parking region constituted and defined by regulation.

(2) (a) Any portion of the municipal district of the City of Perth may be constituted a parking region.

(b) Any specified road or portion of a road may be excluded from a parking region.

(3) A parking region so constituted may by regulation be extended or reconstituted with altered boundaries.

(4) The extension or reconstitution with altered boundaries of a parking region or the subsequent exclusion from a parking region of any specified road or portion of a road, does not affect any penalty or punishment incurred, imposed or liable to be incurred or imposed prior to the extension, reconstitution, or exclusion, as the case may be, or any investigation or legal proceeding in respect of such a penalty or punishment, notwithstanding the provisions of section eleven of The Criminal Code.

This Act not
to affect
Traffic Act and
Municipal
Corporations
Act
except to
extent
provided in,
or necessary
to give effect
to, this Act.

6. (1) No provision of this Act shall be construed as affecting the operation of the Traffic Act, 1919, or of the regulations made under that Act, or of the Municipal Corporations Act, 1906,¹ or the by-laws made under that Act, or any matter or thing done or omitted or purporting to be done or omitted pursuant

¹ Repealed by Local Government Act, 1900.

to any provision of those Acts or those regulations or by-laws, except to the extent provided in, or necessary to give effect to, this Act.

(2) Where there is inconsistency between any provision of the Traffic Act, 1919, or of the regulations made under that Act, or of the Municipal Corporations Act, 1906,¹ or of any by-law made by the Council under that Act, and any provision of this Act, the provision of this Act shall prevail and the provision first referred to in this subsection shall to the extent of the inconsistency have no effect.

(Cf. No. 30 of 1918, s. 4 : "This Act" includes regulations and by-laws.)

(Cf. No. 30 of 1918, s. 4 : "This Act" includes regulations and by-laws.)

PART II.—FINANCE AND ADMINISTRATION.

7. (1) The Council shall open and maintain an account to be known as the "Parking Fund" in this Act referred to as the "Fund."

The Parking Fund.
(Cf. No. 30 of 1918, s. 4 : "This Act" includes regulations and by-laws.)
Amended by No. 81 of 1965, s. 2.

(2) All revenue received by the Council and all charges, fines and other penalties paid or recovered under or pursuant to this Act shall be paid into the Fund or to the Council to be credited to that Fund.

(3) The Council shall utilise the moneys in the Fund—

- (a) for the administration of such departments and the remuneration of such inspectors and other officers as the Council considers necessary for the purpose of exercising its powers and functions under this Act ;
- (b) for the purchase, acquisition, maintenance, alteration, and improvement of land, buildings and other structures, parking meters and other mechanical devices, signs and other accessories, equipment and appliances for the establishment and provision of parking stations, parking facilities, metered zones and metered spaces and for the regulation and control of the parking and standing of vehicles within any parking region in accordance with the provisions of this Act ;
- (ba) for the purchase or acquisition of land, buildings and other structures, for the provision, by means of street widening, of parking facilities, metered zones and metered spaces and for the regulation and control, by that means, of the parking and standing of

¹ Repealed by Local Government Act, 1960.

vehicles within any parking region in accordance with the provisions of this Act ;

- (c) for the establishment, provision, extension, the maintenance in good order and condition and operation of parking stations, parking facilities, metered zones and metered spaces in accordance with the provisions of this Act ;
- (d) for the installation, and the regulation of the use of parking meters in accordance with the provisions of this Act ;
- (e) for the provision, conduct and control of such services as are deemed under the provisions of this Act to be parking facilities ;
- (f) for the collection and recovery of charges, fines and penalties prescribed by or under this Act ;
- (g) for the repayment of any advance or advances of moneys appropriated by Parliament, or of any moneys advanced by or from any government department, or body or other government source, and received by the Council for the setting in motion and the promotion of any work necessary to give effect to the objects of this Act ;
- (h) for the payment of interest on, and the repayment of, any moneys advanced by the Government to the Council in terms of its guarantee in accordance with the provisions of subsection (5) of section eight of this Act ;
- (i) for generally carrying out the objects and purposes of this Act ; and
- (j) after provision is made for meeting the expenditure with respect to the purposes specified in the foregoing paragraphs of this subsection,
 - (i) during the first seven years after the coming into operation of this Act, for the payment of such interest on, and the repayment of, such moneys borrowed in accordance with the provisions of section eight of this Act as could be met from the balance remaining in the Fund ; and

(Cf. s. 11 (3) post.)

- (ii) on and after the termination of the seventh year after the coming into operation of this Act, for the payment of all interest on, and the repayment, as necessary, of the balance of such moneys as remain owing by the Council.

8. (1) Subject to the provisions of this section, the Council is authorised to borrow, on the credit of the Council, several sums of money, not exceeding in the aggregate the sum of eight hundred and ninety-four thousand dollars.

Borrowing powers of the Council. (Cf. No. 30 of 1918, s. 4: "This Act" includes regulations and by-laws.) Amended by No. 113 of 1965, s. 8.

(2) The money may be borrowed for the purposes of exercising the powers conferred, and performing the duties and obligations imposed, on the Council under this Act, or to liquidate the principal moneys owing by the Council on account of any previous loan raised for any of those purposes under this Act.

(3) No money shall be borrowed by the Council under the provisions of this section without the consent of the Governor.

(4) All moneys borrowed under this section shall be paid into the Fund and form part of the Fund.

(5) (a) The payment of all moneys due by the Council in respect of moneys borrowed under this section whether by way of interest or principal is, for a period of seven years commencing from the date of the coming into operation of this Act, guaranteed by the Government of the State.

(b) Any liability arising from that guarantee is payable and shall be paid out of the Consolidated Revenue Fund in half-yearly instalments.

(6) The provisions of Part XXIV. of the Municipal Corporations Act, 1906¹, with the exception of sections four hundred and thirty-eight to four hundred and forty-two inclusive, sections four hundred and fifty to four hundred and fifty-six inclusive and sections four hundred and seventy-two and four hundred and seventy-three, apply and have effect *mutatis mutandis* to any loan raised under this section as if the loan were money borrowed pursuant to, and for a purpose mentioned in that Part of that Act.

¹ Repealed by Local Government Act, 1960.

Council
to report on
its activities
to Minister.

(Cf. No. 30 of
1918, s. 4 ;
"This Act".)

9. (1) The Council shall, on or before the expiry of two months after the termination of the Council's financial year, in each and every year submit to the Minister a report of its activities under this Act which were carried out during the preceding financial year, such report to be laid on the Table of both Houses of Parliament in this State within fourteen days of it being received by the Minister, provided that where Parliament is in recess, the fourteen day period shall commence to take effect as from the first sitting day of such Parliament.

(2) The report shall be supported by such accounts, duly audited, and such statements as may be required by the Minister.

Powers of
Council
additional
to those
conferred by
other Acts.

10. The Council may exercise all or any of the powers conferred on it by this Act in addition to the powers conferred on it by any other Act, whether that other Act came into operation before, or comes into operation after, the coming into operation of this Act.

Powers of
Council—

to create
departments
and appoint
officers ;
Amended by
No. 32 of
1958, s. 3 ;
No. 51 of
1961, s. 2.

11. (1) The Council may—

(a) create and administer such departments and appoint such inspectors and other officers as the Council considers necessary for the purpose of exercising all or any of its powers and functions under this Act ;

(b) subject to subsection (2) of this section,

to establish
parking
stations ;

(i) on any land which is within a parking region and which is acquired by or vested in, or which is under the care, control and management of, the Council, establish, control and manage parking stations ;

to provide
and operate
parking
facilities,

(ii) and subject to the provisions of subsection (3a) of this section, provide, manage and operate parking facilities in parking stations ;

and
metered
zones and
metered
spaces ;

(iii) in or off any road or reserve under the care, control and management of the Council, provide, control, and manage, metered zones, metered spaces and other parking facilities ;

- (iv) alter, enlarge or abolish any parking station, facility, metered zone or metered space established or provided under this Act ; to alter or abolish the same ;
- (v) in or off any road or reserve under the care, control, or management of the Council, provide, erect, and maintain, any sign or notice required for the purposes of this Act ; to provide signs and notices ;
- (c) alter or improve the landscape of any parking station ; to alter or improve landscapes ;
- (d) demand and recover such fees and charges as are prescribed for the use of any parking station or parking facility provided under this Act ; to recover fees for use of parking station or facility ;
- (e) subject to subsection (2) of this section, in any metered space install a parking meter ; to install parking meters ;
- (f) demand and recover in respect of any vehicle occupying a metered space such fees and charges as are prescribed ; to recover fee for use of metered space ;
- (g) subject to the by-laws, lease to any person, on such terms and conditions as the Council thinks fit, any parking station or parking facility established or provided in accordance with this Act ; to lease parking station or facility ;
- (h) with the approval of the Minister, appoint and set apart stands for the use of specified vehicles or classes of vehicles on roads or other places within a parking region ; to appoint stands for vehicles ;
- (i) insure against any liability which it might incur under the provisions of this Act ; to insure against liability ;
- (j) sell any land or improvements purchased or compulsorily taken by the Council for the purposes of this Act, or any appliance or equipment acquired for those purposes, but shall pay the proceeds of sale into the Fund. to sell land, etc.

(2) The Council shall not establish a parking station or provide a parking facility, or alter or abolish a parking station or parking facility, or install a parking meter without the approval in writing of the Minister or except in accordance with the directions of the Minister but where the Minister makes a written request to the Council to appoint and set apart stands for the use of vehicles on, or to prohibit the standing Minister's approval required for provision of parking station, facility, etc.

or parking of vehicles on any portion of, any road or other place within a parking region, if the Council fails within fourteen days after the request is made to it to comply with such request, the Minister may so appoint and set apart such stands or so prohibit and for those purposes may abolish any metered space or stand provided or set apart by, and remove any meter or sign erected by, the Council under subsection (1) of this section.

Services deemed to be parking facilities.

- (3) For the purposes of this section the supply of
- (a) petrol, oil or other accessories ; or
 - (b) vehicle cleaning and other facilities ; or
 - (c) an omnibus or other transport service approved by the Minister for the purpose of conveying persons and their luggage between a parking station or parking facility and any central point within the district,

shall be deemed to be included within the meaning of a parking facility : But no service which requires the setting up of a workshop shall be deemed to be a parking facility.

(3a) Notwithstanding the provisions of subparagraph (ii) of paragraph (b) of subsection (1) of this section, the Council shall not manage or operate a parking facility which provides any of the services referred to in paragraphs (a) and (b) of subsection (3) of this section.

(4) A parking station or a parking facility may be provided at ground surface level or above or below ground surface level.

Care, control and management of parking stations, etc., vested in Council.

12. (1) Subject to the provisions of this Act and notwithstanding the provisions of any other Act, the care, control and management of all parking stations, parking facilities, metered zones, metered spaces and parking meters established, provided or installed by the Council under this Act within any parking region shall be vested in the Council.

(2) The Council shall maintain and keep in good order and condition or cause to be so maintained and kept all parking stations, parking facilities, metered zones, metered spaces and parking meters, the care, control and management of which are so vested in the Council.

13. The Council may, and when required by the Minister shall, conduct or cause to be conducted, or appoint a person approved by the Minister to conduct, surveys, inquiries and studies necessary to determine the need or requirements for establishing, providing, altering, enlarging or abolishing parking stations, parking facilities, metered zones or metered spaces or to determine the location of any such station, facility, zone or space and shall submit to the Minister a report on the results of the surveys, inquiries and studies so conducted.

Council to conduct surveys to determine parking requirements.

14. The Council may, subject to the approval of the Minister and with the consent of the Governor, take land within a parking region compulsorily under and subject to the provisions of the Public Works Act, 1902, for the purpose of establishing any parking station or providing any parking facility under the provisions of this Act, and the provisions of the Public Works Act, 1902 shall apply in respect of such taking in all respects as if the land were required for the purpose of a public work within the meaning of that Act.

Power to take land compulsorily.

15. (1) After the coming into operation of this Act, no person, other than the Council, shall establish or provide, for the use of the public generally on payment of a charge, a parking station or a parking facility within a parking region without the approval in writing of the Council.

No person to establish parking station or parking facility without approval. Amended by No. 113 of 1965, s. 8.

Penalty : A fine of two hundred dollars, or imprisonment for one month.

(2) No approval of the Council under this section has effect unless confirmed by the Minister.

(3) (a) A person may appeal to the Minister against a refusal by the Council to grant him an approval referred to in this section, and the Minister's decision upon that appeal is final and conclusive.

(b) For the purposes of subsections (1) and (2) of this section, a decision by the Minister allowing an appeal made under this subsection shall be deemed to be an approval in writing of the Council duly confirmed by the Minister.

(4) Nothing contained in this section shall be deemed to preclude the continuance or operation of any parking station or any parking facility which was in operation on the first day of December, One thousand nine hundred and fifty-six.

PART III.—PARKING CONTROL AND INSPECTORS.

16. (1) An inspector—

- (a) may by virtue of his office, with the approval of the Council or a person authorised by it, institute and carry on any proceedings against any person for any alleged offence against this Act, or for any alleged offence against any regulation under the Traffic Act, 1919, whether made before or after the coming into operation of this Act, which has the effect of prohibiting or restricting the parking or standing of vehicles in any road or place within a parking region prescribed under this Act ;
- (b) may exercise all such powers and shall perform all such duties as are vested in or imposed on him by this Act and for the purpose of making investigations or inquiries concerning any offence against this Act committed within a parking region, may question, interview or obtain particulars from persons residing outside that region or the district ;
- (c) shall be reimbursed out of the Parking Fund established under section seven of this Act all costs and expenses which he may incur in the discharge of his functions and duties as an inspector under this Act ; and
- (d) may be dismissed from office by the Council.

(2) (a) An inspector shall be furnished with a certificate of his appointment, the form of which shall be prescribed by by-law.

(b) An inspector shall produce the certificate on being required so to do by a person in respect of whom he exercises, has exercised, or is about to exercise, any of his powers under this Act.

Penalty : A fine of forty dollars.

(3) The Council shall with the approval of the Minister, prescribe a uniform to be worn, or authorise the wearing of a uniform, by an inspector while on duty.

Parking
inspectors.
Cf. Traffic
Act, 1919,
s. 22 (2).
Amended by
No. 113 of
1965, s. 8.

17. (1) Notwithstanding any provision of the Traffic Act, 1919, on and after the coming into operation of this Act, the regulation and control of the parking and standing of vehicles on any road, or in any parking station, within a parking region shall be administered by the Council subject to the general control and direction of the Minister.

Regulation and control of parking within parking region to be administered by Council. Cf. Traffic Act, 1919, s. 22 (8).

(2) Notwithstanding the provisions of subsection (1) of this section, it is the duty of every member of the Police Force when called upon to aid and assist a parking inspector in the exercise and discharge of his powers and duties under this Act and a member of the Police Force may whether so called upon or not, exercise all or any of the powers and perform all or any of the duties of a parking inspector.

Cf. Traffic Act, 1919, s. 22 (4).

(3) The Council may review any action or decision of an inspector but not any action or decision of a member of the Police Force.

Cf. Traffic Act, 1919, s. 22 (7).

18. (1) A member of the Police Force or an inspector may during any temporary obstruction or danger to traffic or in any case of emergency—

Powers of police and parking inspectors in emergency. Amended by No. 113 of 1965, s. 8.

- (a) direct any person not to cause or permit a vehicle to stand in any parking station or metered space ;
- (b) direct the owner or driver of a vehicle standing in a parking station or metered space to remove the vehicle from that station or space ; and
- (c) where no person appears to be in immediate charge of a vehicle so standing, himself remove the vehicle from the station or space.

(2) A person who disobeys or fails to comply with a direction made pursuant to this section commits an offence.

Penalty : A fine of one hundred dollars.

19. (1) The owner of a vehicle shall, if required by a member of the Police Force or an inspector, inform the member or inspector as to the identity and address of the driver or person in charge of the vehicle at the time when an offence is alleged to have been committed against this Act by the driver or person in charge of the vehicle.

Duty of owner to identify driver of vehicle. (Cf. No. 30 of 1918, s. 4 ; " This Act.")

(2) Where the driver or person in charge of a vehicle is alleged to have committed an offence against this Act, and the owner of the vehicle at the time the offence was alleged to have been committed, fails, when required so to do, within seven days of the commission of the alleged offence, to inform a member of the Police Force or an inspector as to the identity and address of the person who was the driver or person in charge of the vehicle at that time, the owner shall be deemed to be the person who committed that offence and shall then be liable to the penalty prescribed in respect thereof, unless the member of the Police Force or the person authorised by the Council is satisfied, from the information furnished by the owner, that the owner could not reasonably have been aware of the identity of the driver or person in charge, or that the vehicle was stolen or being unlawfully used at the time the offence was alleged to have been committed.

(3) Where the member of the Police Force or the person authorised by the Council is so satisfied, no proceedings shall be taken against the owner for the recovery of the penalty prescribed in respect of the offence.

(4) The driver or person in charge of a vehicle shall, upon being required by a member of the Police Force or an inspector who alleges that the driver or person has committed an offence against this Act, furnish the member or inspector, as the case may be, with his full name and address.

Penalty : A fine of twenty dollars.

PART IV.—REGULATIONS AND BY-LAWS.

Regulations.

20. The Governor may make regulations—

- (a) constituting and defining any part of the municipal district of the City of Perth as a parking region ;
- (b) extending a parking region so constituted ;
- (c) reconstituting a parking region with altered boundaries ;
- (d) excluding any specified road or specified portion of a road from a parking region.

21. (1) The Council may, with the approval of the Minister make by-laws—

By-laws.
Amended by
No. 113 of
1965, s. 8.

- (a) with respect to the control and management of parking stations established by the Council under this Act and the management and operation of parking facilities provided by the Council under this Act ;
- (b) prescribing charges payable by any person using, or in respect of any vehicle occupying, a parking station or parking facility so established or provided and exempting any person or vehicle or class of person or class of vehicle from paying all or any of those charges ;
- (c) prescribing conditions under which and the period or periods of time during which a parking station or parking facility may be used or occupied ;
- (d) providing for the protection of parking stations and parking facilities and all equipment pertaining to them against misuse, damage, interference or attempted interference by any person ;
- (e) regulating the parking and standing of vehicles in any parking station and prohibiting any person from parking or standing any vehicle in a parking station otherwise than in accordance with the by-laws ;
- (f) with respect to the control and management of metered zones and metered spaces and the operation of parking meters provided by the Council ;
- (g) prescribing charges payable by any person using, or in respect of any vehicle occupying a metered zone or metered space and exempting any person or vehicle or class of person or class of vehicle from paying all or any of those charges ;
- (h) prescribing conditions under which and the period or periods of time during which vehicles may be left in metered zones or metered spaces and the manner in which, and the time or times at which the driver of a vehicle shall insert the prescribed coin or coins in a parking meter ;

- (i) providing for the protection of parking meters, metered zones and metered spaces against misuse, damage, interference or attempted interference by any person, and for the protection of parking meters against the insertion, or attempted insertion therein of anything other than the prescribed coin or coins ;
- (j) regulating the parking and standing of vehicles in a metered zone or metered space and prohibiting any person from parking or standing a vehicle in a metered zone or metered space otherwise than in accordance with the by-laws ;
- (k) prohibiting or restricting the parking or standing of vehicles or of vehicles of a specified class or of specified classes in all roads or specified roads or in specified parts of roads within a parking region at all times or at specified times ;
- (l) prescribing the method and the means by which any charges or penalties prescribed by any by-law may or shall be paid and collected, or recovered ;
- (m) prescribing the period of time within which a person, after being served with notice of an offence alleged to be committed by him may or shall pay to the Council the penalty or modified penalty prescribed for that offence, and the period within which a penalty is payable after receipt of notice ;
- (n) prescribing the method of notifying a person alleged to have committed an offence against the by-laws of that alleged offence and how it may or shall be dealt with and prohibiting the removal by any person other than the driver of a vehicle in respect of which an offence against the by-laws is alleged to have been committed of any notice relating to the offence affixed to the vehicle or left in or on the vehicle by a person duly authorised by the Council ;
- (o) exempting any person or vehicle or class of person or class of vehicle from complying with any by-law prohibiting or restricting the parking or standing of vehicles generally or otherwise ;

(Cf. Traffic Act, 1919, s. 47 (1) (i) (zl).)

- (p) with respect to the provision, management and operation of any omnibus or other transport service approved by the Minister for the purpose of conveying persons and their luggage between a parking station or parking facility and any central place within the district, prescribing the charges for such service, such charges being either inclusive of or additional to the charges referred to in paragraph (b) of this subsection ;
- (q) prescribing forms for use under this Act ;
- (r) defining the circumstances under which a vehicle which is causing obstruction to traffic or a vehicle trespassing on privately owned land within a parking region may be removed to a specified place by an inspector, a member of the Police Force or a person duly authorised by the Council ; providing that an inspector, a member of the Police Force or person so authorised may use such force as is necessary to enter the vehicle for the purpose of so removing it and prescribing a scale of charges to be paid by the owner or person in charge of the vehicle in order to recover the vehicle from that place ; and authorising the Council to hold the vehicle until the prescribed charges are paid ;
- (s) with respect to the control and regulation of persons employed in the management and operation of parking stations, and parking facilities, established or provided under this Act and providing for persons so employed to be duly licensed or authorised by the Council to perform the duties for which they are employed ;
- (t) imposing a penalty not exceeding forty dollars for the breach of any by-law and prescribing a scale of penalties for first and subsequent offences against the by-laws increasing in severity for each successive offence by the same offender ;
- (u) prescribing a modified penalty or modified penalties payable to the Council by a person or class of person who does not contest an allegation that he committed any specified

offence against the by-laws and providing that the production of an acknowledgment from the Council of the payment of a modified penalty is a defence to a charge of the offence in respect of which that modified penalty was paid ;

- (v) prescribing all matters which by this Act are required or permitted to be prescribed by by-law or which may be necessary or convenient to be prescribed for giving effect to the objects and purposes of this Act.

(2) A by-law shall be valid notwithstanding that it confers upon a specified person or body or class of person or body a discretionary authority.

(3) (a) The Minister may request the Council, within a period specified by the Minister, to make a by-law revoking any by-law made by the Council under this Act.

(b) Where the Council refuses or, within the period so specified, fails to make the by-law, the Minister may make the by-law.

(c) A by-law made by the Minister under this subsection has effect as if it were a by-law made by the Council under this section.

(4) A by-law shall not have any force or effect unless it is confirmed by the Governor.

PART V.—MISCELLANEOUS.

22. Proceedings against any person alleged to have committed an offence against this Act may be instituted and carried on in a Court of Petty Sessions in accordance with the provisions of the Justices Act, 1902, and the court before whom a person is convicted of an offence against this Act may, in addition to any penalty that may be inflicted on him for that offence, order him to pay the amount of any charge prescribed under this Act, which is proved to have been incurred by him at the time of the commission of the offence and not been paid, and that amount may be recovered in the same manner as moneys ordered to be paid by that court upon a conviction for a simple offence : But where any method, manner or time is prescribed by or within which any specified penalty may be paid by a person incurring the penalty, payment of that penalty in accordance with that

Proceedings
may be
brought in
Court of
Petty Sessions.
(Cf. No. 30 of
1918, s. 4 :
" This Act.")

method or manner and within that time is a good defence to a charge of the offence in respect of which that penalty was paid.

23. (1) In a prosecution or legal proceeding under the provisions of this Act instituted by or under the authority of the Council or by a member of the Police Force, no proof is required, until evidence is given to the contrary that—

Proof of certain matters.

- (a) a parking region was duly constituted, extended or reconstituted ;
- (b) an inspector or officer of the Council was duly appointed ;
- (c) an inspector or officer of the Council has or had authority to institute proceedings or exercise any function under this Act ;
- (d) a parking station or parking facility was duly established or provided.

(2) The production of

- (a) a copy of the *Gazette* containing a regulation or by-law purporting to have been made under the provisions of this Act ; or
- (b) a copy purporting to be a true copy of a regulation or by-law so made, certified as such under the hand of the Town Clerk of the Council

is evidence until the contrary is proved of the due making, existence, approval and confirmation as the case may be, of the regulation or by-law and of the regularity of all preliminary steps necessary to give full force and effect to the same.

24. No matter or thing done or omitted by the Minister or the Council or any person acting with the authority of the Minister or Council or by any member of the Police Force or an inspector in good faith in the course of the exercise or discharge or the purported exercise or discharge of the powers, duties or obligations conferred or imposed under this Act shall render the Crown or the Minister, Council, person, member of the Police Force, or inspector, as the case may be, subject to any liability in respect of that matter or thing.

Protection of Minister, Council and officers.

(Cf. No. 30 of 1918, s. 4 : " This Act.")

Owner of vehicle to be compensated for damage caused to vehicle in course of removal.

24A. (1) Notwithstanding the provisions of section twenty-four of this Act, where

- (a) damage is caused to a vehicle in the course of being removed by a member of the Police Force, an inspector, or a person duly authorised by the Council, pursuant to a by-law made in exercise of a power conferred by paragraph (r) of subsection (1) of section twenty-one of this Act, and
- (b) the whole or a part of the damage so caused is not recoverable by the owner of the vehicle from an insurer under a policy of insurance or from any other person liable in law to make good to the owner the value of the damage,

the Council shall compensate the owner out of the fund to such extent as is agreed between the Council and the owner, or if there is no agreement, as is determined on a reference to arbitration under the Arbitration Act, 1895.

(2) Where there is no agreement between the Council and the owner of the vehicle on any other matter or question referred to in, or arising from the provisions of subsection (1) of this section, that matter or question may at the same time be determined on a reference to arbitration, under the Arbitration Act, 1895.

Amendment of Traffic Act, 1919-1955. Schedule.

25. The Traffic Act, 1919-1955 is amended and as so amended may be cited in accordance with the provisions of the Schedule to this Act.

THE SCHEDULE.

TRAFFIC ACT, 1919

Citation.

Approved for reprint 26th July, 1955. (Reprinted Acts, Vol. 9.)

1. (1) In this Schedule, the Traffic Act, 1919-1955, Act No. 60 of 1919 as reprinted with amendments to and including Act No. 47 of 1954 incorporated pursuant to the Amendments Incorporation Act, 1938, and as further amended by Act No. 37 of 1955, is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1956.

2. Section twenty-two of the principal Act is amended—

S. 22
amended.

(a) by adding after the word "regulation" in line 5 of the first proviso to subsection (8) the passage—"and in addition, in any part of the metropolitan area which is a parking region, the Commissioner of Police and the Council of the City of Perth shall jointly and severally regulate and control traffic in that part of that area in respect of the powers conferred on the Council of the City of Perth by the City of Perth Parking Facilities Act, 1956",

(b) by adding after the last proviso a new proviso as follows :—

Provided also that an inspector appointed by the Council of the City of Perth under the City of Perth Parking Facilities Act, 1956, may by virtue of his office, and without receiving express authority from the Minister, or the Commissioner of Police but when authorised by that Council, institute and carry on proceedings against a person for an alleged offence against any regulation under this Act, whether made before or after the coming into operation of the City of Perth Parking Facilities Act, 1956, which has the effect of prohibiting or restricting the parking or standing of a vehicle in any road or place within a parking region prescribed under that Act.

3. Section forty-seven of the principal Act is amended by adding after subsection (1) a subsection as follows :—

S. 47
amended.

(1a) After the coming into operation of the City of Perth Parking Facilities Act, 1956, the powers conferred by this section shall be deemed not to include the power to make regulations having force or operation within a parking region prescribed under that Act with respect to any matter with respect to which the Council of the City of Perth is empowered to make by-laws under that Act.