

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (AMENDMENT) ORDINANCE 1989

ORDINANCE NO. 6 OF 1989

The Motor Traffic Ordinance 1936 (the Principal Ordinance) provides for the control of motor vehicles and motor traffic in the ACT.

Part X of the Principal Ordinance covers rules relating to parking and provides for the installation and operation of parking meters and voucher machines.

The proposed Motor Traffic (Amendment) Ordinance 1989 amends Part X of the Principal Ordinance to provide for greater flexibility in the installation and operation of parking meters and voucher machines.

The Ordinance achieves this by providing for the installation of parking devices on the written authorisation of the Minister. The Ordinance also facilitates the use of new generation parking meters and voucher machines which operate by the use of coins or by pre-purchased cards or credit cards.

Details of each provision of the Ordinance are set out in the Attachment.

**ISSUED BY THE AUTHORITY OF
THE MINISTER OF STATE FOR THE
ARTS AND TERRITORIES**

Motor Traffic (Amendment) Ordinance 1989

Section 1 cites the title of the Ordinance as the Motor Traffic (Amendment) Ordinance 1989.

Section 2 defines the Principal Ordinance as the Motor Traffic Ordinance 1936.

Section 3 amends section 149 of the Principal Ordinance as follows.

Paragraph 3(a) omits the definitions of Class A parking meter, Class B parking meter and controlled parking zone. The definition of a controlled parking zone is no longer required following the repeal of section 163A of the Principal Ordinance which is effected by section 4.

Paragraph 3(b) defines a parking meter as being a parking meter installed pursuant to section 163B. Unlike Class A and Class B parking meters which are defined having regard to the amount of time for which parking is permitted, the definition of a parking meter includes no such limitation and this facilitates the use of parking meters for longer term parking. Subsection 3(b) also defines the term controlled parking hours.

Subsection 3(c) amends the definition of a parking voucher as a consequence of the abandonment of the concept of controlled parking zones.

Subsection 3(d) substitutes a new definition of a voucher machine which is necessitated by the abandonment of the concept of controlled parking zones and also by the amendment which is effected by section 6 to permit methods of payment of parking fees in addition to coins. The definition allows greater flexibility as to the information printed on a parking voucher issued by a machine.

Subsection 3(e) amends subsection 149(7) also as a consequence of the abandonment of the concept of controlled parking zones by replacing the reference to that term with a reference to a public place or public street.

Section 4 repeals section 163A of the Principal Ordinance. Section 163A requires the declaration by the Minister of an area of land as a controlled parking zone following which voucher machines and parking meters may be installed. The need to declare such areas is not required. Instead installation will be authorised under section 163B of the Principal Ordinance as provided by section 5.

Section 5 repeals section 163B of the Principal Ordinance and substitutes new section 163B which provides that the Minister may, by notice in writing, authorise the installation of a voucher machine in or near a public place or a public street or the installation of a parking meter in or near a designated parking place.

Section 6 amends section 163C of the Principal Ordinance as follows.

Paragraph 6(a) removes from subsection 163C(1) the term installed pursuant to section 163B, which is superfluous.

Paragraphs 6(b) and (c) amend paragraphs 163C(1)(a) and (b) respectively to remove the requirement that payment of the determined fee must be made by coin and instead requiring that it be paid by a method specified on the meter. This enables various methods of payment, including payment by credit card, to be introduced for the convenience of the public.

Paragraph 6(d) substitutes new subsection 163C(2) to provide similarly that a voucher machine, on payment of the determined fee by a method specified on the machine, issues a parking voucher for a specified period.

Paragraph 6(e) amends subsection 163C(3) to include a reference to subsection (2). This ensures that parking fees are to be determined by the Minister under both subsections 163C(1) and (2).

Paragraph 6(f) similarly amends subsection 163C(4) to make it clear that a specified period for the purposes of both subsections 163C(1) and (2) means the period specified under subsection 163C(3).

Section 7 amends section 163D of the Principal Ordinance to change the reference to business hours to a reference to controlled parking hours. Controlled parking hours is defined in subsection 3(b).

Section 8 amends section 163E of the Principal Ordinance. Paragraph 8(a) omits subsections 163E(1) to (4) and inserts 4 new subsections as follows.

New subsection 163E(1) provides that a person shall not, during controlled parking hours, allow a motor vehicle or trailer to stand or be parked on a public place or public street near a voucher machine unless the parking is authorised by a parking voucher issued from that machine or by the Registrar and the voucher is displayed on the vehicle or trailer. A penalty of \$150 applies.

New subsection 163E(2) provides that a person shall not allow a motor vehicle or trailer to stand or be parked on a public place or public street near a voucher machine after the period authorised by a parking voucher. A penalty of \$150 applies.

New subsection 163E(3) provides that a parking voucher authorises the standing or parking of a motor vehicle on a public place or public street on the date shown on the voucher until the expiration of the period specified under subsection 163C(3) commencing at the time indicated on the voucher as its time of issue or until the time indicated as its time of expiry.

New subsection 163E(4) provides that where a further parking voucher is obtained before the expiration of the period authorised by another voucher, subsection 163E(3) applies as if the further voucher had been obtained on the expiration of the first voucher and the further voucher showed a time of issue or of expiry accordingly. This has the effect of making successively purchased vouchers cumulative for the purpose of determining the period of parking which the vouchers authorise.

Paragraph 8(b) amends subsection 163E(5) and (6) of the Principal Ordinance by inserting the words 'or expiry' after the word 'issue' in each case. This is consequential upon the new definition of voucher machine in subsection 149(1) inserted by subsection 3(d).

Section 9 amends section 163F of the Principal Ordinance to change the reference to business hours to a reference to controlled parking hours. Controlled parking hours is defined in subsection 3(b).

Sections 10 and 11 amend sections 163G and 163L respectively of the Principal Ordinance by omitting the reference to a controlled parking zone and substituting a reference to a public place or a public street. These amendments are as a consequence of the abandonment of the concept of controlled parking zones.

Section 12 inserts a saving provision into the Principal Ordinance which provides that the installation of a parking meter or voucher machine authorised under section 163B of the Principal Ordinance shall be taken to be authorised under section 163B as amended by the Ordinance.