

LOCAL GOVERNMENT (No. 3).

No. 63 of 1965.

AN ACT to amend the Local Government Act,
1960-1965.

[Assented to 19th November, 1965.]

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. (1) This Act may be cited as the *Local Government Act Amendment Act, (No. 3), 1965.* Short title and citation.

(2) In this Act the Local Government Act, 1960-1965, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Local Government Act, 1960-1965.

2. Section two hundred and thirty-one of the principal Act is repealed and re-enacted as follows— S. 231 repealed and re-enacted.

231. (1) In this section—

“metered space” means a section or part of a metered zone in or adjacent to which a parking meter is installed and

Parking stations, parking facilities, etc.

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 street or reserve or any part of a street or reserve in which parking meters are installed;

“park” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, of complying with the provisions of any law, or of immediately taking up or setting down persons or goods;

“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 region” means such portion of a district as is constituted a parking region from time to time under, and for the purposes of, by-laws made by the Council of the district under this section, and to which portion those by-laws apply;

“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;

“stand” in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law.

(2) A Council may so make by-laws—

- (a) constituting parking regions in which those by-laws shall apply, excluding any specified street or a portion of a street from a parking region, extending or reconstituting from time to time the parking regions with altered boundaries;
- (b) 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;
- (c) prescribing charges payable by any person using, or in respect of any vehicle occupying a parking station or parking facility so established or providing and differentiating in the fees charged in respect of the various classes of vehicles and exempting any person or vehicle or class of person or class of vehicle from paying all or any of those charges;
- (d) prescribing conditions under which and the period or periods of time during which a parking station or parking facility may be used or occupied;
- (e) 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;
- (f) 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;

(g) declaring that all or portion of any street or public place specified in a parking region is a metered zone in which a person may not park a vehicle until he had paid a parking fee by inserting a coin in a parking meter, and—

- (i) with respect to the control and management of metered zones and metered spaces and the operation of parking meters provided by the Council;
- (ii) 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;
- (iii) 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;
- (iv) 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;
- (v) 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,

but no by-law shall be made under this paragraph without the prior approval of the Minister for the time being charged with the administration of the Traffic Act, 1919;

- (h) prohibiting or regulating the parking or standing of vehicles or of vehicles of a specified class or of specified classes in all streets or specified streets or in specified parts of streets within a parking region at all times or at specified times;
- (i) 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;
- (j) 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;
- (k) 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;

- (l) 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;
- (m) 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 (c) of this subsection;
- (n) prescribing forms for use under this section;
- (o) defining the circumstances under which a vehicle that 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 appointed by the Council, a member of the Police Force or a person duly authorised by the Council; providing that an inspector appointed by the Council, 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;
- (p) 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;

- (q) imposing a penalty not exceeding twenty pounds for the breach of any by-law made under this section 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;
- (r) 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.

(3) The Council shall not establish a parking station or provide a parking facility, or alter or abolish a parking station or parking facility, or instal a parking meter under this Act 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 or parking of vehicles on any portion of, any street or other place within a parking region, if the Council fails within fourteen days after that request is made to it to comply with the 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 (2) of this section. .

Prior approval of Minister required before providing, etc., parking station or parking facility.

S. 232
amended.

3. Section two hundred and thirty-two of the principal Act is amended—

(a) by adding after the word, “council” being the last word in the section, the passage, “, and providing that such a licence shall not issue if, in the opinion of the council, a sufficient number of petrol pumps are already installed in the district to satisfy the existing reasonable requirements thereof;” ; and

(b) by adding a paragraph as follows—

(d) prohibiting persons from installing petrol pumps in or on any land that has not been set aside as a site for a petrol station or petrol pump by or under a town planning scheme made under any Act or by by-laws made under section two hundred and forty-eight, unless with the written consent of the Minister and by authority of a licence issued by the council”.

S. 300
amended.

4. Section three hundred of the principal Act is amended by substituting for the words, “and drains” in line three, the passage, “drains and, subject to the Rights in Water and Irrigation Act, 1914, the Water Boards Act, 1904 and any direction in writing of the Minister for Works, water courses”.

S. 650
amended.

5. Section six hundred and fifty of the principal Act is amended —

(a) by deleting the word, “or” between paragraphs (d) and (e); and

(b) by adding after the word, “act” being the last word in the section, the following passage—

;

(f) of the constitution, extension or reconstruction of a parking region;
or

- (g) of the establishment or provision of a parking station or parking facility.

6. The principal Act is amended by adding after section six hundred and sixty-nine a section as follows—

S. 669A
added.

669A. (1) In this section “metropolitan area” means the area defined as such by regulations made under the Traffic Act, 1919.

Power of authorised officer and Commissioner of Police in respect of traffic in parking region and enforcing of by-laws therein.

(2) Where a Council has made by-laws pursuant to section two hundred and thirty-one which constitute any part of the metropolitan area a parking region and which by-laws apply therein—

- (a) the Commissioner of Police and that Council shall jointly and severally regulate and control traffic in that part in respect of the powers conferred on that Council by any of those by-laws; and
- (b) any officer appointed by that Council for the municipality may, by virtue of his office and if authorised by the Council to do so, institute and carry on proceedings against any person for an alleged offence against any of those regulations, notwithstanding the provisions of any other Act. .
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