

South Australia

PRIVATE PARKING AREAS REGULATIONS, 1987

REGULATIONS UNDER THE PRIVATE PARKING AREAS ACT, 1986

Private Parking Areas Regulations, 1987

being

No. 285 of 1987: *Gaz.* 17 December 1987, p. 1894

as varied by

No. 94 of 1991: *Gaz.* 27 June 1991, p. 2104

No. 259 of 1996: *Gaz.* 23 December 1996, p. 2262¹

No. 178 of 1997: *Gaz.* 31 July 1997, p. 262²

No. 105 of 2000: *Gaz.* 25 May 2000, p. 2805³

¹ Came into operation 3 February 1997: reg. 2.

² Came into operation 30 November 1997: reg. 2.

³ **Came into operation 1 July 2000: reg. 2.**

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *Entries appearing in bold type indicate the amendments incorporated since the last consolidation.*
- *For the legislative history of the regulations see Appendix.*

3.

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Citation

1. These regulations may be cited as the *Private Parking Areas Regulations, 1987*.

Interpretation

2. (1) In these regulations, unless the contrary intention appears—

"**the Act**" means the *Private Parking Areas Act, 1986*.

(2) For the purposes of the Act, a motor vehicle will be regarded as parked for a continuous period in an area in respect of which a time limit is in force, notwithstanding—

(a) that it is parked in more than one space while within the area;

or

(b) that it is removed from the area for a period of less than 60 minutes.

Parking spaces

3. (1) Where parking spaces are marked out in a private parking area—

(a) a motor vehicle parked in the area must, subject to subregulation (2), be parked wholly within one parking space;

(b) a motor vehicle must not be parked in a parking space that is already occupied by another motor vehicle.

(2) If a motor vehicle (including any attached trailer, caravan or other vehicle) cannot wholly fit within any available parking space in a private parking area, the vehicle may be parked so that it occupies two parking spaces.

Protrusion over walkway or driveway

4. A motor vehicle must not be parked in a private parking area so that any part of it or any attached trailer, caravan or other vehicle or load being carried protrudes over a walkway or driveway.

Obstructing access

5. A motor vehicle must not be parked in a private parking area so that it obstructs vehicular or pedestrian access to or egress from the area.

Purpose other than parking

6. A person must not, without lawful authority, use a private parking area for a purpose not related to the parking of a vehicle in the area.

Penalty: \$200

5.

Damage to signs, etc.

7. A person must not, without lawful authority—

(a) deface, damage or interfere with any notice, sign or line exhibited, placed or marked for the purposes of the Act;

or

(b) place on or remove from a motor vehicle of which he or she is not the owner or driver a notice issued under section 9 of the Act.

Penalty: \$200.

Agreements

8. Where an agreement exists between the owner of a private parking area and a council for the enforcement of the provisions of Part III of the Act, that agreement and the provisions of Part IV of the Act extend to the enforcement of these regulations, as if offences against the regulations were offences against Part III of the Act.

Owner and driver guilty of an offence

9. If a motor vehicle is parked in contravention of these regulations, the owner is guilty of an offence and, if the owner is not the driver, the owner and the driver are each guilty of an offence.

Penalty: \$200.

Further offence each hour

10. If a motor vehicle is parked in a private parking area in contravention of the Act or these regulations, a further offence occurs for each hour that the offence continues.

Expiation of offences

11. The following expiation fees are fixed for alleged offences against the Act or these regulations:

Offence	Fee
section 8(1)	\$39
section 8(2)	\$59
section 8(3), (4) or (5)	\$24
section 8(6)	\$13
regulation 3(1)(a)	\$13
regulation 3(1)(b)	\$24
regulation 4	\$30
regulation 5	\$30
regulation 6	\$15
regulation 7(a) or (b)	\$39

6.

Marking of tyres

12. The owner of a private parking area or private access road or an authorized officer may for the purposes of enforcing the Act, place erasable marks on the tyres of vehicles parked in the area or road.

Code

13. (1) The Minister may establish, and vary or revoke from time to time, a code of notices, signs, road markings and other devices to denote areas, parking spaces, conditions, limitations, restrictions or prohibitions relating to private parking areas, private access roads or private walkways.

(2) A notice sign, road marking or other device has no effect unless it substantially conforms with a code established under this regulation.

Prohibition against immobilising vehicles

14. (1) The owner or occupier of a private access road, private parking area or private walkway must not immobilise, or cause to be immobilised, a vehicle that is unlawfully parked on the access road, parking area or walkway.

Maximum penalty: \$200.

(2) A person must not, on behalf of or pursuant to an agreement with the owner or occupier of a private access road, private parking area or private walkway, immobilise a vehicle that is unlawfully parked on the access road, parking area or walkway.

Maximum penalty: \$200.

7.

APPENDIX

LEGISLATIVE HISTORY

Transitional Provisions

(Transitional provision from Regulation No. 259 of 1996, reg. 4)

4. A regulation varied or revoked by these regulations will continue to apply (as in force immediately prior to the variation or revocation coming into operation) to an expiration notice issued under the varied or revoked regulations.

Legislative History

(entries in bold type indicate amendments incorporated since the last consolidation)

Regulation 7:	varied by 94, 1991, reg. 2
Regulation 11:	varied by 94, 1991, reg. 3; substituted by 259, 1996, reg. 3 (Sched. cl. 20); 105, 2000, reg. 3
Regulation 14:	inserted by 178, 1997, reg. 3