

As in force at 1 July 2002.

South Australia

PRIVATE PARKING AREAS REGULATIONS 2001

REGULATIONS UNDER THE PRIVATE PARKING AREAS ACT 1986

Private Parking Areas Regulations 2001

being

No. 263 of 2001: *Gaz.* 13 December 2001, p. 5422¹

as varied by

No. 100 of 2002: *Gaz.* 20 June 2002, p. 2608²

¹ Came into operation 13 December 2001: reg. 2.

² Came into operation 1 July 2002: reg. 2.

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the regulations see Appendix.*

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. Parking spaces
6. Protrusion over walkway or driveway
7. Obstructing access
8. Purpose other than parking
9. Damage to signs, etc.
10. Agreements
11. Owner and driver guilty of offence
12. Further offence each hour
13. Marking of tyres
14. Prohibition against immobilising vehicles
15. Code
16. Expiation of offences against Act

APPENDIX LEGISLATIVE HISTORY

Purpose other than parking

8. 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.

Maximum penalty: \$200.

Expiation fee: \$15.

Damage to signs, etc.

9. 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 vehicle of which he or she is not the owner or driver an expiation notice issued under the *Expiation of Offences Act 1996*.

Maximum penalty: \$200.

Expiation fee: \$42.

Agreements

10. If an agreement is in force between the owner of a private parking area and a council under Part 4 of the Act, the agreement and the provisions of Part 4 of the Act extend to the enforcement of these regulations as if offences against the regulations were offences against Part 3 of the Act.

Owner and driver guilty of offence

11. If a 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.

Maximum penalty: \$200.

Further offence each hour

12. If a person is guilty of an offence by reason of a vehicle being parked in a private parking area in a manner that contravenes or does not comply with the Act or these regulations, the person is guilty of a further offence—

- (a) in the case of an offence of being parked for longer than a permitted period of one or more hours—for each hour that the offence continues; or
- (b) in the case of an offence of being parked for longer than a permitted period of less than one hour—for each such period that the offence continues; or
- (c) in any other case—for each hour that the offence continues.

Maximum penalty: \$200.

Expiation fee: \$14.

Marking of tyres

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

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.

Code

15. (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.

Expiation of offences against Act

16. The following expiation fees are fixed for alleged offences against the Act:

Offence	Fee
section 8(1)	\$42
section 8(2)	\$64
section 8(3), (4) or (5)	\$26
section 8(6)	\$14.

APPENDIX

LEGISLATIVE HISTORY

Regulation 5(1):	varied by 100, 2002, reg. 3
Regulation 6:	varied by 100, 2002, reg. 4
Regulation 7:	varied by 100, 2002, reg. 5
Regulation 9:	varied by 100, 2002, reg. 6
Regulation 12:	varied by 100, 2002, reg. 7
Regulation 16:	varied by 100, 2002, reg. 8