

South Australia

Private Parking Areas Regulations 2001

under the *Private Parking Areas Act 1986*

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Legislative history

1—Short title

These regulations may be cited as the *Private Parking Areas Regulations 2001*.

4—Interpretation

- (1) In these regulations, unless the contrary intention appears—
Act means the *Private Parking Areas Act 1986*;
vehicle does not include a bicycle propelled by human power.
- (2) For the purposes of the Act, a vehicle will be regarded as parked for a continuous period in an area in respect of which a time limit is in force, despite the fact that the vehicle may be parked in more than one space while within the area or removed from the area for a period of less than 60 minutes.

5—Parking spaces

- (1) If parking spaces are marked out in a private parking area—
 - (a) a vehicle parked in the area must, subject to subregulation (2), be parked wholly within one parking space; and
 - (b) a vehicle must not be parked in a parking space that is already occupied by another vehicle.

Expiation fee:

for an alleged offence against subregulation (1)(a): \$16.

for an alleged offence against subregulation (1)(b): \$26.

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

6—Protrusion over walkway or driveway

A 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.

Expiation fee: \$35.

7—Obstructing access

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

Expiation fee: \$35.

8—Purpose other than parking

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: \$17.

9—Damage to signs etc

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: \$46.

10—Agreements

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.

11—Owner and driver guilty of offence

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.

12—Further offence each hour

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: \$16.

13—Marking of tyres

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.

14—Prohibition against immobilising vehicles

- (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.

15—Code

- (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.

16—Expiation of offences against Act

The expiation fees specified in the following table are fixed for alleged offences against section 8(9) of the Act arising from an alleged contravention of the section specified opposite the fee:

Section	Fee
section 8(1)	\$47
section 8(2)	\$70
section 8(3)	\$29
section 8(4)	\$29
section 8(5)	\$29
section 8(6)	\$16

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Legislation revoked by principal regulations

The *Private Parking Areas Regulations 2001* revoked the following:

Private Parking Areas Regulations 1987

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2001	263	<i>Gazette 13.12.2001 p5422</i>	13.12.2001: r 2
2002	100	<i>Gazette 20.6.2002 p2608</i>	1.7.2002: r 2
2003	140	<i>Gazette 29.5.2003 p2375</i>	1.7.2003: r 2
2004	119	<i>Gazette 27.5.2004 p1668</i>	1.7.2004: r 2
2005	58	<i>Gazette 26.5.2005 p1412</i>	1.7.2005: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>rr 2 and 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2004</i>
r 5		
r 5(1)	varied by 100/2002 r 3	1.7.2002
	varied by 140/2003 r 4	1.7.2003
	varied by 119/2004 r 4	1.7.2004
r 6	varied by 100/2002 r 4	1.7.2002
	varied by 140/2003 r 5	1.7.2003
	varied by 119/2004 r 5	1.7.2004
r 7	varied by 100/2002 r 5	1.7.2002
	varied by 140/2003 r 6	1.7.2003
	varied by 119/2004 r 6	1.7.2004
r 8	varied by 140/2003 r 7	1.7.2003
	varied by 119/2004 r 7	1.7.2004
r 9	varied by 100/2002 r 6	1.7.2002
	varied by 140/2003 r 8	1.7.2003

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	varied by 119/2004 r 8	1.7.2004
r 12	varied by 100/2002 r 7	1.7.2002
	varied by 140/2003 r 9	1.7.2003
	varied by 119/2004 r 9	1.7.2004
<i>r 16 before substitution by 140/2003</i>	<i>varied by 100/2003 r 8</i>	<i>1.7.2002</i>
r 16	substituted by 140/2003 r 10	1.7.2003
	substituted by 119/2004 r 10	1.7.2004