

SOUTH AUSTRALIA

**NATIONAL PARKS (PARKING) REGULATIONS 1997**

## **SUMMARY OF PROVISIONS**

1. Citation
2. Commencement
3. Interpretation
4. Application
5. Parking only in areas set aside for parking
6. Parking spaces
7. Angle parking
8. Impeding pedestrian access
9. Prohibited zones
10. Permit areas
11. Loading areas
12. Special classes or conditions of parking
13. Time limit
14. Fees
15. Offence
16. Owner of vehicle may name driver
17. Further offence each hour
18. Damage to signs, etc.
19. Marking of tyres
20. Exemption for emergency and other vehicles

## **SCHEDULE**

**REGULATIONS UNDER THE NATIONAL PARKS AND WILDLIFE ACT 1972**

*National Parks (Parking) Regulations 1997*

being

No. 195 of 1997: *Gaz.* 28 August 1997, p. 554<sup>1</sup>

<sup>1</sup> Came into operation 28 August 1997: reg. 2.

**Citation**

1. These regulations may be cited as the *National Parks (Parking) Regulations 1997*.

**Commencement**

2. These regulations will come into operation on the day on which they are made.

**Interpretation**

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

"**disabled person's parking permit**" means—

- (a) a permit issued under Part 3D of the *Motor Vehicles Act 1959*; or
- (b) a similar permit or authority issued under the law of the Commonwealth or another State or a Territory of the Commonwealth;

"**drive**" includes ride;

"**Loading Area**" means an area in a prescribed area marked by signs or lines (or a combination of signs and lines) as a *Loading Area*;

"**long vehicle**" means a vehicle (including a caravan, trailer or other vehicle attached to the vehicle) that exceeds six metres in length;

"**No Parking Area**" means an area in a prescribed area marked by signs or lines (or a combination of signs and lines) as a *No Parking Area*;

"**No Standing Zone**" means an area in a prescribed area marked by signs or lines (or a combination of signs or lines) as a *No Standing Zone*;

"**official sign**" means a sign or marking (or a combination of signs and markings) erected or placed under the authority of the Director;

"**owner**", in relation to a motor vehicle, means—

- (a) a person registered or recorded as the owner or an owner of the vehicle under the *Motor Vehicles Act 1959* or a similar law of the Commonwealth or another State or a Territory of the Commonwealth; or
- (b) if the vehicle is registered in the name of a business under the *Motor Vehicles Act 1959* or a similar law of the Commonwealth or another State or a Territory of the Commonwealth—any person carrying on that business; or
- (c) a person to whom a trader's plate, a permit or other authority has been issued under the *Motor Vehicles Act 1959*, or a similar law of the Commonwealth or another State or a Territory of the Commonwealth, by virtue of which the vehicle is permitted to be driven on roads,

3.

and includes—

- (d) if the ownership of the vehicle has been transferred but the transferee has not yet been registered or recorded as the owner of the vehicle—a person to whom ownership of the vehicle has been transferred; or
- (e) if a person has possession of the vehicle by virtue of the hire or bailment of the vehicle—that person;

"**to park**" includes to stand;

"**parking space**" means a space denoted (by signs or lines (or a combination of signs or lines)) as a parking space;

"**Permit Area**" means an area in a prescribed area marked by signs or lines (or a combination of signs and lines) as a *Permit Area*;

"**prescribed area**" means an area to which these regulation apply (*see* regulation 4);

"**vehicle**" does not include a bicycle propelled by human power.

(2) For the purposes of these regulations, a vehicle will be regarded as parked in an area, parking space or other place if any part of the vehicle or anything in, on or attached to the vehicle is in or protrudes into the area, parking space or other place.

(3) For the purposes of these regulations, a permit or ticket is displayed in a vehicle only if the permit or ticket is displayed on the inside of the windscreen on the side opposite to the driver's position (or, if the vehicle does not have a windscreen, in some other prominent position) so that the permit or the side of the ticket indicating the time until which the vehicle may be parked (as the case may require) is easily legible to a person standing beside the vehicle.

(4) For the purposes of these regulations, a sign or marking may be denoted by a pavement marking.

### **Application**

4. These regulations apply to the following reserves, or parts of reserves:

- The area of the summit of Mount Lofty within the Cleland Conservation Park and the Eurilla Conservation Park delineated by hatching on the map contained in the schedule.

### **Parking only in areas set aside for parking**

5. A vehicle must not be parked within a prescribed area except in an area set aside for the parking of vehicles.

### **Parking spaces**

6. (1) A vehicle must not be parked in a parking space in a prescribed area that is already occupied by another vehicle (except that two motor cycles may be parked in the same parking space).

4.

(2) Subject to this regulation, a vehicle parked in a prescribed area in which parking spaces are marked out must be parked wholly within a parking space so that no part of the vehicle or anything in, on or attached to the vehicle protrudes into any other parking space.

(3) If an area is marked out with parking spaces and provides for parallel parking, a vehicle the length of which (including any trailer, caravan or other vehicle attached to the vehicle) exceeds the length of any such parking space may be parallel parked in the area so that it takes up more than one space.

#### **Angle parking**

7. (1) A vehicle must not be parked in an area within a prescribed area designated by an official sign as an area in which vehicles must be angled parked unless the vehicle is parked—

- (a) at the denoted angle (or, if no particular angle is denoted, 45°) to the kerb or other boundary or line along which vehicles may be angled parked; and
- (b) with the foremost front wheel (or, in the case of a motor cycle, the front or back wheel) as close as practicable to that kerb, boundary or line.

(2) A long vehicle must not be parked in an area within a prescribed area designated by an official sign as an area in which vehicles must be angled parked.

#### **Impeding pedestrian access**

8. A vehicle must not be parked in a prescribed area so close to another vehicle that it prevents or impedes the passage of a pedestrian between the vehicles.

#### **Prohibited zones**

9. (1) A vehicle must not be parked in a *No Standing Zone*.

(2) A vehicle must not be parked in a *No Parking Area* except for the purpose only of the immediate setting down or picking up of a passenger or goods.

#### **Permit areas**

10. (1) A vehicle must not be parked in a *Permit Area* for holders of disabled person's parking permit unless such a permit is lawfully displayed in the vehicle.

(2) A vehicle must not be parked in any other *Permit Area* unless—

- (a) an appropriate permit issued or recognised by the Director is displayed in the vehicle; and
- (b) the vehicle is parked in accordance with the terms of that permit.

#### **Loading areas**

11. A vehicle must not be parked in a *Loading Area* unless—

- (a) the vehicle is a commercial motor vehicle that is being loaded or unloaded and the vehicle is parked for no longer than such time as is necessary to complete the loading or unloading (but in any event for no longer than 30 minutes); or

5.

- (b) in the case of any other vehicle, the vehicle is being loaded or unloaded, the cargo is difficult to load or unload because of its weight or size and the vehicle is parked for no longer than such time as is necessary to complete the loading or unloading (but in any event for no longer than 10 minutes); or
- (c) the vehicle is parked only for the purpose of the immediate setting down or picking up of a passenger or goods.

**Special classes or conditions of parking**

**12.** A vehicle must not be parked in a prescribed area in contravention of an official sign indicating—

- (a) the vehicle or class of vehicle that may be parked; or
- (b) the condition subject to which a vehicle may be parked.

**Time limit**

**13.** If a time limit is imposed on parking in a prescribed area, a vehicle must not be parked in the area—

- (a) in the case of a vehicle in which a disabled person's parking permit is lawfully displayed—for a period in excess of 90 minutes longer than the specified time limit;
- (b) in any other case—for a period in excess of the specified time limit.

**Fees**

**14.** (1) A vehicle must not be parked in an area within a prescribed area in respect of which a parking fee determined by the Director must be paid unless that fee is paid in the manner determined by the Director.

(2) Where the manner determined by the Director for the payment of fees for parking in an area within a prescribed area is—

- (a) the operation of a parking meter—a vehicle must not be parked in a parking space in the area (other than for such time as is necessary to place money in the meter on first arriving at the space) if the parking meter for the space indicates that the time allowed for parking has expired;
- (b) the operation of a ticket dispensing device—a vehicle must not be parked in a parking space in the area (other than for such time as is necessary to obtain a ticket and display it in the vehicle on first arriving at the space) if a valid ticket is not displayed in the vehicle.

(3) For the purposes of this regulation, a ticket obtained from a ticket dispensing device is valid only in respect of parking in a parking space in respect of which the machine is installed on the date shown on the ticket until the time shown on the ticket.

(4) The Director may exempt a person (or persons of a specified class) from the requirement to pay a parking fee under these regulations.

(5) An exemption—

(a) may be subject to conditions specified by the Director; and

(b) may be varied or revoked by the Director at any time.

(6) If the Director grants an exemption subject to a condition, a person who has the benefit of the exemption must not contravene or fail to comply with the condition.

Maximum penalty: \$75.

Expiation fee: \$30.

### **Offence**

**15.** (1) If a vehicle is parked in a manner that contravenes or fails to comply with these regulations, the driver of the vehicle and the owner of the vehicle are each guilty of an offence.

Maximum penalty: (a) In the case of an offence against regulation 10—\$125;

(b) In any other case—\$75.

Expiation fee: (a) In the case of alleged contravention of, or failure to comply with, regulation 10—\$55;

(b) In any other case—\$30.

(2) However, the owner and driver of a vehicle are not both liable to be convicted of an offence against these regulations arising out of the same circumstances and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.

### **Owner of vehicle may name driver**

**16.** (1) An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged offence against these regulations arising out of the use of the vehicle must be accompanied by a notice inviting the owner, if he or she was not the driver at the time of the alleged offence, to provide the Director, within the period specified in the notice, with a statutory declaration—

(a) setting out the name and address of the driver; or

(b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).

(2) Before proceedings are commenced against the owner of a vehicle for an offence against these regulations arising out of the use of the vehicle, the complainant must send the owner a notice—



7.

- (a) setting out particulars of the alleged offence; and
- (b) inviting the owner, if he or she was not the driver at the time of the offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subregulation (1).

(3) Subregulation (2) does not apply to—

- (a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- (b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this regulation as the driver of the vehicle.

(4) Subject to subregulation (5), in proceedings against the owner of a vehicle for an offence against these regulations, it is a defence to prove—

- (a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged offence; or
- (b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this regulation.

(5) The defence in subregulation (4)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

(6) If—

- (a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this regulation; or
- (b) proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

**Further offence each hour**

**17.** If a person is guilty of an offence by reason of a vehicle being parked so that it contravenes or fails to comply with these regulations, the person is guilty of a further offence—

- (a) in the case of an offence of exceeding a specified time limit—
  - (i) if the specified limit is one or more hours—for each hour that the vehicle remains parked in the relevant place;
  - (ii) if the specified limit is less than an hour—for each period so specified that the vehicle remains parked in the relevant place;

8.

(b) in any other case—for each hour that the offence continues.

Maximum penalty: \$75.  
Expiation fee: \$30.

**Damage to signs, etc.**

**18.** (1) A person must not, without lawful authority, deface, damage or interfere with a device used in relation to the parking of vehicles under these regulations or a sign or marking placed or made under these regulations.

Maximum penalty: \$1 250.  
Expiation fee: \$160.

(2) A person must not, without lawful authority—

- (a) operate a device used in relation to the parking of vehicles under these regulations contrary to any operating instructions displayed on or in the vicinity of the device; or
- (b) place on or remove from a vehicle of which he or she is not the owner or driver a notice issued, or purporting to be issued, under these regulations without the consent of the owner or driver.

Maximum penalty: \$125.  
Expiation fee: \$55.

**Marking of tyres**

**19.** (1) A warden may place erasable marks on the tyres of a vehicle in the course of official duties relating to the parking of vehicles.

(2) A person must not, without lawful authority, erase a mark made pursuant to subregulation (1).

Maximum penalty: \$75.  
Expiation fee: \$30.

**Exemption for emergency and other vehicles**

**20.** (1) Despite these regulations, no offence arises from the parking of—

- (a) a vehicle that is being used by—
  - (i) a member of the police force; or
  - (ii) a warden; or
  - (iii) an officer or employee of the Department,in the course of official duties;
- (b) a fire services vehicle that is being used for purposes related to fire fighting or fire prevention;

9.

- (c) an ambulance or similar vehicle;
- (d) a vehicle that is being used for the purposes of the State Emergency Service;
- (e) a vehicle that is being used for purposes related to road safety, maintenance or repair;
- (f) a vehicle driven by a person who holds a specific authorisation given by the Director for the purposes of this regulation.

(2) An authorisation given by the Director under subregulation (1)(f)—

- (a) may be subject to conditions specified by the Director; and
- (b) may be varied or revoked by the Director at any time.

(3) If the Director gives an authorisation subject to a condition, the person to whom the authorisation is given must not contravene or fail to comply with the condition.

Maximum penalty: \$75.

Expiation fee: \$30.

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**SCHEDULE**

[Map appears in *Gaz.* 28 August 1997, p. 554]