



New South Wales

Fines Amendment (Parking Fines) Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make special provision in relation to the issuing of penalty notices for parking offences.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Fines Act 1996 No 99

Schedule 1 inserts proposed Part 3, Division 2AA to make special provision for parking offences. The proposed division does not apply to police officers.

Proposed section 24AA defines *designated person* and *parking offence* for the proposed division.

Proposed sections 24AC and 24AD require notification of a penalty notice for a parking offence to be attached to the vehicle, except in certain circumstances. An appropriate officer who does not attach a notification must make a record of the reasons and give a copy of the reasons to a designated person at the issuing agency that employs or engages the appropriate officer. The head of the issuing agency must ensure that a copy of the reasons is given, on request, to the Commissioner of Fines Administration (the *Commissioner*) and the person required to pay the penalty notice for the parking offence. The head of the issuing agency must also prepare reports on the reasons provided under the proposed section. A failure to attach a notification does not

affect the validity of the penalty notice but may be taken into consideration for the purposes of an internal review under the Act.

Proposed section 24AE requires a penalty notice for a parking offence to be issued no later than 7 days after the offence if a notification is not attached to the vehicle. Failure to comply with the proposed section invalidates the penalty notice.

Proposed section 24AF requires an appropriate officer who issues a penalty notice for a parking offence to take images that show the act or omission that constitutes the parking offence and images that show the notification attached to the vehicle as required by proposed section 24AC or that show why a notification was not required to be attached. The appropriate officer must give copies of the images to a designated person at the issuing agency that employs or engages the appropriate officer. The head of an issuing agency must ensure that copies of the images are given, on request, to the Commissioner and the person required to pay the penalty notice for the parking offence. The regulations may prescribe circumstances where images are not required to be taken or given. A failure to take an image does not affect the validity of the penalty notice but may be taken into consideration for the purposes of an internal review under the Act.

Proposed section 24AG provides that a penalty notice for a parking offence is invalid if—

- (a) a penalty notice has been, or is proposed to be, issued for an earlier parking offence, and
- (b) the parking offence and the earlier parking offence—
 - (i) occurred within the same 7-day period, and
 - (ii) are of the same kind, and
 - (iii) involve the same vehicle, and
 - (iv) occurred in the same location
- (c) a notification was not attached to the vehicle in contravention of section 24AC—
 - (i) for the earlier parking offence, or
 - (ii) if there is more than 1 earlier parking offence that satisfies paragraphs (a) and (b)—each of the earlier parking offences.

Proposed section 24AH provides that a penalty notice issued for a parking offence is invalid if the appropriate officer—

- (a) failed, in contravention of the proposed division—
 - (i) to attach a notification to the vehicle, and
 - (ii) to take images, or
- (b) was required to report why a notification was not attached to the vehicle and failed to report.



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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Fines Amendment (Parking Fines) Bill 2024

No. _____, 2024

A Bill for

An Act to amend the *Fines Act 1996* in relation to the issuing of penalty notices for certain parking offences.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Fines Amendment (Parking Fines) Act 2024*.

3

2 Commencement

4

This Act commences on a day or days to be appointed by proclamation.

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Schedule 1	Amendment of Fines Act 1996 No 99	1
Part 3, Division 2AA		2
Insert after Division 2—		3
Division 2AA	Parking offences—special provision	4
24AA	Definitions	5
	In this division—	6
	<i>designated person</i> , for an issuing agency, means a person designated by the head of the agency.	7 8
	<i>parking offence</i> means an offence of standing or parking a vehicle or of causing or permitting a vehicle to stand, wait or be parked in contravention of a law.	9 10 11
24AB	Division does not apply to police officers	12
	This division does not apply to a police officer.	13
24AC	Attachment of notification on vehicle if penalty notice issued	14
(1)	An appropriate officer who issues, or proposes to issue, a penalty notice for a parking offence involving a vehicle must attach a notification to the vehicle.	15 16
(2)	The notification may be—	17
(a)	the penalty notice, or	18
(b)	another written notice that specifies—	19
(i)	a short description of the offence containing the particulars prescribed by the regulations, and	20 21
(ii)	that a penalty notice will be issued for the offence.	22
(3)	A failure to attach a notification in contravention of this section—	23
(a)	does not affect the validity of the penalty notice, but	24
(b)	may be taken into consideration for the purposes of an internal review under Part 3, Division 2A.	25 26
24AD	Grounds for not attaching notification	27
(1)	It is not necessary to attach a notification under section 24AC if—	28
(a)	it is not safe to attach the notification, or	29
(b)	the vehicle is in a prescribed parking zone, or	30
(c)	the vehicle is not stationary, or	31
(d)	the regulations provide that it is not necessary to attach the notification.	32
(2)	An appropriate officer must, if the officer relies on an exception under this section—	33 34
(a)	make a record of the reasons why the officer concluded that the exception applied in the circumstances, and	35 36
(b)	give a copy of the reasons to a designated person at the issuing agency that employs or engages the appropriate officer.	37 38
(3)	The head of the issuing agency must—	39
(a)	keep a record of the reasons given under this section, and	40

(b)	give a copy of reasons to the Commissioner—if requested by the Commissioner, and	1 2
(c)	give a copy of reasons in relation to a particular parking offence to a person who is required to pay an amount under a penalty notice for the offence—if requested by the person.	3 4 5
(4)	The head of the issuing agency must also prepare and publish reports on reasons given under this section in the way and at the times required by the regulations.	6 7 8
(5)	The regulations may prescribe additional requirements about the form and content of a record of reasons made under this section.	9 10
(6)	In this section—	11
	<i>prescribed parking zone</i> means a zone—	12
(a)	in which a notification of the issue of a penalty notice for a parking offence will not be attached to a vehicle, and	13 14
(b)	identified by a sign that complies with the requirements of the regulations, including requirements in relation to the following—	15 16
(i)	the wording of the sign, including the size of the letters and the font to be used,	17 18
(ii)	the size of the sign,	19
(iii)	the colour of the sign,	20
(iv)	the location or positioning of the sign.	21
24AE	Penalty notice must be issued within 7 days if notification not attached	22
(1)	A penalty notice for a parking offence involving a vehicle must be issued no later than 7 days after the parking offence if a notification is not attached to the vehicle.	23 24 25
(2)	A contravention of this section invalidates the penalty notice.	26
(3)	This section applies only to the first penalty notice issued for the parking offence.	27 28
	Example— A penalty notice being issued to the registered operator of a vehicle who then nominates another person as the driver requiring a second penalty notice to be issued to the driver.	29 30 31
24AF	Images must be taken	32
(1)	An appropriate officer who issues, or proposes to issue, a penalty notice for a parking offence involving a vehicle must—	33 34
(a)	take images that show the act or omission that constitutes the parking offence, and	35 36
(b)	if a notification is required to be attached to the vehicle under this division—take images that show the notification attached to the vehicle, and	37 38 39
(c)	if a notification is not required to be attached to the vehicle under this division—as far as reasonably practicable, take images that show why the notification is not required to be attached to the vehicle, and	40 41 42
(d)	give copies of the images to a designated person at the issuing agency that employs or engages the appropriate officer.	43 44
(2)	Images are not required to be taken or given under this section in circumstances prescribed by the regulations.	45 46

(3)	The head of the issuing agency must—	1
(a)	keep copies of the images given under this section, and	2
(b)	give copies of images to the Commissioner—if requested by the Commissioner, and	3 4
(c)	give copies of images for a particular parking offence to a person who is required to pay an amount under a penalty notice for the offence—if requested by the person.	5 6 7
(4)	A failure to take images in contravention of this section—	8
(a)	does not affect the validity of the penalty notice, but	9
(b)	may be taken into consideration for the purposes of an internal review under Part 3, Division 2A.	10 11
24AG	No more than 1 penalty notice to be issued within 1 week for same offence	12
	A penalty notice for a parking offence is invalid if—	13
(a)	a penalty notice has been, or is proposed to be, issued for an earlier parking offence, and	14 15
(b)	the parking offence and the earlier parking offence—	16
(i)	occurred within the same 7-day period, and	17
(ii)	are of the same kind, and	18
(iii)	involve the same vehicle, and	19
(iv)	occurred—	20
(A)	on the same length of road between the same cross streets, or	21 22
(B)	in the same car parking area, and	23
(c)	a notification was not attached to the vehicle in contravention of this division—	24 25
(i)	for the earlier parking offence, or	26
(ii)	if there is more than 1 earlier parking offence that satisfies paragraphs (a) and (b)—each of the earlier parking offences.	27 28
24AH	Significant failure to comply with division	29
(1)	A penalty notice issued for a parking offence involving a vehicle is invalid if the appropriate officer who issued, or proposed to issue, the penalty notice—	30 31
(a)	failed to in contravention of this division—	32
(i)	attach a notification to the vehicle, and	33
(ii)	take images that show the act or omission that constituted the parking offence, or	34 35
(b)	failed to comply with section 24AD(2).	36
(2)	This section has effect despite sections 24AC(3) and 24AF(4).	37