

Passed by both Houses



New South Wales

Fines Amendment (Parking Fines) Bill 2024

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council
2024*

Clerk of the Parliaments



New South Wales

Fines Amendment (Parking Fines) Bill 2024

Act No _____, 2024

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

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

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

Schedule 1 Amendment of Fines Act 1996 No 99

Part 3, Division 2AA

Insert after Division 2—

Division 2AA Parking offences—special provision

24AA Definitions

In this division—

designated person, for an issuing agency, means a person designated by the head of the agency.

parking offence 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.

24AB Division does not apply to police officers

This division does not apply to a police officer.

24AC Attachment of notification on vehicle if penalty notice issued

- (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.
- (2) The notification may be—
 - (a) the penalty notice, or
 - (b) another written notice that specifies—
 - (i) a short description of the offence containing the particulars prescribed by the regulations, and
 - (ii) that a penalty notice will be issued for the offence.
- (3) A failure to attach a notification in contravention of this section—
 - (a) does not affect the validity of the penalty notice, but
 - (b) may be taken into consideration for the purposes of an internal review under Part 3, Division 2A.

24AD Grounds for not attaching notification

- (1) It is not necessary to attach a notification under section 24AC if—
 - (a) it is not safe to attach the notification, or
 - (b) the vehicle is in a prescribed parking zone, or
 - (c) the vehicle is not stationary, or
 - (d) the regulations provide that it is not necessary to attach the notification.
- (2) An appropriate officer must, if the officer relies on an exception under this section—
 - (a) make a record of the reasons why the officer concluded that the exception applied in the circumstances, and
 - (b) give a copy of the reasons to a designated person at the issuing agency that employs or engages the appropriate officer.
- (3) The head of the issuing agency must—
 - (a) keep a record of the reasons given under this section, and

- (b) give a copy of reasons to the Commissioner—if requested by the Commissioner, and
 - (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.
- (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.
- (5) The regulations may prescribe additional requirements about the form and content of a record of reasons made under this section.
- (6) In this section—
prescribed parking zone means a zone—
- (a) in which a notification of the issue of a penalty notice for a parking offence will not be attached to a vehicle, and
 - (b) identified by a sign that complies with the requirements of the regulations, including requirements in relation to the following—
 - (i) the wording of the sign, including the size of the letters and the font to be used,
 - (ii) the size of the sign,
 - (iii) the colour of the sign,
 - (iv) the location or positioning of the sign.

24AE Penalty notice must be issued within 7 days if notification not attached

- (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.
- (2) A contravention of this section invalidates the penalty notice.
- (3) This section applies only to the first penalty notice issued for the parking offence.

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.

24AF Images must be taken

- (1) An appropriate officer who issues, or proposes to issue, a penalty notice for a parking offence involving a vehicle must—
 - (a) take images that show the act or omission that constitutes the parking offence, and
 - (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
 - (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
 - (d) give copies of the images to a designated person at the issuing agency that employs or engages the appropriate officer.
- (2) Images are not required to be taken or given under this section in circumstances prescribed by the regulations.

- (3) The head of the issuing agency must—
 - (a) keep copies of the images given under this section, and
 - (b) give copies of images to the Commissioner—if requested by the Commissioner, and
 - (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.
- (4) A failure to take images in contravention of this section—
 - (a) does not affect the validity of the penalty notice, but
 - (b) may be taken into consideration for the purposes of an internal review under Part 3, Division 2A.

24AG No more than 1 penalty notice to be issued within 1 week for same offence

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—
 - (A) on the same length of road between the same cross streets, or
 - (B) in the same car parking area, and
- (c) a notification was not attached to the vehicle in contravention of this division—
 - (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.

24AH Significant failure to comply with division

- (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—
 - (a) failed to in contravention of this division—
 - (i) attach a notification to the vehicle, and
 - (ii) take images that show the act or omission that constituted the parking offence, or
 - (b) failed to comply with section 24AD(2).
- (2) This section has effect despite sections 24AC(3) and 24AF(4).