



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.