

South Australia

## Private Parking Areas Regulations 2014

under the *Private Parking Areas Act 1986*

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### Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Parking spaces
- 5 Protrusion over walkway or driveway
- 6 Obstructing access
- 7 Purpose other than parking
- 8 Damage to signs etc
- 9 Agreements
- 10 Owner and driver guilty of offence
- 11 Further offence each hour
- 12 Marking of tyres
- 13 Prohibition against immobilising vehicles
- 14 Code
- 15 Expiation of offences against Act

### Schedule 1—Revocation and transitional provisions

#### Part 1—Preliminary

- 1 Interpretation

#### Part 2—Revocation

- 2 Revocation of regulations

#### Part 3—Transitional provisions

- 3 Transitional provision

### Legislative history

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#### 1—Short title

These regulations may be cited as the *Private Parking Areas Regulations 2014*.

#### 2—Commencement

These regulations will come into operation on 1 September 2014.

#### 3—Interpretation

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.

#### **4—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 1 parking space; and
  - (b) a vehicle must not be parked in a parking space that is already occupied by another vehicle.
- (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 1 space.

#### **5—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.

#### **6—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.

#### **7—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: \$750.

Expiation fee: \$47.

#### **8—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 these regulations; 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: \$750.

Expiation fee: \$86.

#### **9—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.

## **10—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: \$750.

Expiation fee:

- (a) for an alleged contravention of regulation 4(1)(a)—\$46;
- (b) for an alleged contravention of regulation 4(1)(b)—\$59;
- (c) for an alleged contravention of regulation 5—\$70;
- (d) for an alleged contravention of regulation 6—\$70.

## **11—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 these regulations, the person is guilty of a further offence for each hour that the offence continues.

Maximum penalty: \$750.

Expiation fee: \$46.

## **12—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 or these regulations, place erasable marks on the tyres of vehicles parked in the area or road.

## **13—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: \$750.

- (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: \$750.

## **14—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.

## 15—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)	\$87
section 8(2)	\$339
section 8(3)	\$62
section 8(4)	\$62
section 8(5)	\$62
section 8(6)	\$46

## Schedule 1—Revocation and transitional provisions

### Part 1—Preliminary

#### 1—Interpretation

In this Schedule—

*Minister* means the Minister for the time being administering the *Private Parking Areas Act 1986*;

*the revoked regulations* means the *Private Parking Areas Regulations 2001*.

### Part 2—Revocation

#### 2—Revocation of regulations

The *Private Parking Areas Regulations 2001* are revoked.

### Part 3—Transitional provisions

#### 3—Transitional provision

The "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" established by the Minister under regulation 15 of the revoked regulations and published in the Gazette on 2 October 2003 (*Gazette 2.10.2003 p3688*) as in force immediately before the commencement of these regulations continues in force as a code established by the Minister under regulation 14 of these regulations, subject to variation or revocation under these regulations.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2014	227	<i>Gazette 21.8.2014 p4098</i>	1.9.2014: r 2