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AIRPORTS (SURFACE TRAFFIC) AMENDMENT ACT, 1976

Amends principal Act : Airports (Surface Traffic) Act, 1960

Introduced : 21 October 1976, House of Representatives, Minister for Transport.

SHORT DIGEST OF BILL

Purpose : Control of parking, and levy of fees and fines for parking and vandalism in Commonwealth airports. Amending Bill increases fines, and provides for means of disposal of vehicles, requiring payment of cost by the owner of the vehicle.

- Summary :
- (i) Parking fees are a recoverable debt to the Commonwealth (Clause 4 amends Section 6(3)).
 - (ii) Fines for illegal parking and vandalism increased from \$40 to \$100. (Clause 5 amends Section 3).
 - (iii) Continuous parking longer than 'permitted period' is a separate offence for each period equal to 'permitted period'. (Clause 5 amends Section 8).
 - (iv) Vehicles parked illegally may be removed, and owners (corporate or individual) notified by registered letter or newspaper notice. If owner does not pay expenses incurred in removal within one month, the Secretary may sell by public tender or dispose of it "in such manner as he thinks fit". Proceeds to disposal to Consolidated Revenue; owner may claim remainder above liabilities. (Clause 6 amends Section 9).
 - (v) Removes right of owner to action for damages for loss or damage not wilful or negligent. (Clause 7 inserts new Section 9A).
 - (vi) It is a defence to a parking prosecution if vehicle was stolen or not in control of owner (Clause 8 amends Section 11).
 - (vii) Parking fines increased from \$4 to \$10. (Clause 9 amends Section 13).
 - (viii) Authorized person may require production of licence; penalty increased from \$40 to \$100. (Clause amends Section 14).
 - (ix) Penalty for failure to comply with direction from authorized persons increased from \$40 to \$100. (Clause 11 amends Section 15).
 - (x) Attendance of Transport Department officers shall not be required in undefended prosecutions. (Clause 12 amends Section 17).

Implications : Administrative machinery measure. Only questionable provisions are discretion to Secretary in disposal of vehicle, (Section 6) and removal of any rights to sue for damages (Section 7).

Neither of these provisions make an exception in the case of vehicles stolen or used other than under the control of owners. While Section 8 provides that these circumstances provide a defence against fines being levied on the owner, the Bill as drafted makes it possible for a vehicle to be stolen, or used in an unauthorized way, parked illegally in an airport, and then be (i) damaged or lost by an officer of the Department when removing it, without a right to sue for remedies for damage or loss and (ii) disposed of at a price suitable to the Department, which may involve substantial loss on the market value of the vehicle. There are no procedures for an independent valuation of the vehicle in any circumstances. The Secretary's right of discretion could become the basis of a 'kick-backs' racket.

Principal Act : Airports (Surface Transport) Act, 1960.

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26 October 1976