

Serial 96
Unit Titles Amendment Bill 2007
Dr Lim

**A BILL
for
AN ACT**

to amend the *Unit Titles Act*

NORTHERN TERRITORY OF AUSTRALIA

UNIT TITLES AMENDMENT ACT 2007

Act No. [] of 2007

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47AA. Liability for wrongfully parked vehicle



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2007

AN ACT

to amend the *Unit Titles Act*

[Assented to [] 2007]
[Second reading [] 2007]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Unit Titles Amendment Act 2007*.

2. Principal Act amended

This Act amends the *Unit Titles Act*.

3. New section 47AA

After section 47

insert

47AA. Liability for wrongfully parked vehicle

(1) A corporation may, in accordance with its articles, impose an amount of penalty on the owner of a vehicle that is wrongfully parked:

- (a) in a parking space assigned to the proprietor or an occupier of a unit; or
- (b) in an area of the common property.

(2) The vehicle is wrongfully parked in a parking space assigned to the proprietor or an occupier of a unit if:

- (a) the vehicle is parked in such a parking space; and
- (b) the owner of the vehicle is not the proprietor or occupier; and
- (c) the owner of the vehicle does not have the authorisation or permission of the proprietor or occupier to park the vehicle in the parking space.

(3) The vehicle is wrongfully parked in an area of the common property if the vehicle is parked in such an area when the owner of the vehicle:

- (a) does not have the authorisation or permission of the corporation to park the vehicle in the area; or
- (b) is otherwise not entitled to park the vehicle in the area.

(4) The amount of the penalty must not exceed one penalty unit for each day during which the vehicle is wrongfully parked.

(5) The corporation may recover from the owner the amount of the penalty as a debt due to the corporation.

(6) In addition, the corporation may remove the vehicle from the parking space or area of the common property within 7 days after notice for the removal is given to the owner or otherwise posted to the owner at the owner's postal address.

(7) The corporation may recover from the owner any expenditure it reasonably incurred in taking an action for subsection (1), (5) or (6) as a debt due to the corporation.

(8) Despite any other law of the Territory, the Registrar of Motor Vehicles may, on the written request of the corporation, provide the corporation with the name and address of the registered owner of the vehicle for this section.

(9) The corporation must not use the information provided by the Registrar for any purposes other than the giving of a notice to the owner under this section.

(10) For this section, the corporation may make provision in its articles under section 78 for any of the following:

- (a) the giving of notices in relation to parking of vehicles in parking spaces assigned to the proprietors or occupiers of the units or in an area of the common property;

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- (b) the imposition, calculation and recovery of the penalty referred to in subsection (1);
 - (c) any other matter relating to the penalty.
- (11) This section does not:
- (a) affect the operation of section 41 or 45; or
 - (b) prevent the imposition of other penalties under the corporation's articles in accordance with this Act for an act or omission not covered by subsection (1).