

2015
LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY
MINISTER FOR TRANSPORT

**MOTOR VEHICLES (PRIVATE CAR PARKING)
AMENDMENT BILL 2015**

SERIAL NO. 131

EXPLANATORY STATEMENT

GENERAL OUTLINE

The purpose of the Bill is to amend the *Motor Vehicles Act* to abrogate any entitlement to a preliminary discovery order against the Registrar of Motor Vehicles for the purpose of recovering private car park fees.

NOTES ON CLAUSES

Clause 1 Short Title

This is a formal clause which provides the citation of the Bill. The Bill when passed will be cited as the *Motor Vehicles (Private Car Parking) Amendment Bill 2015*.

Clause 2 Commencement

This clause provides that the Act will commence retrospectively on 1 June 2015.

Part 2 Amendment of Motor Vehicles Act

Clause 3 Act amended

This Bill, when passed, will amend the *Motor Vehicles Act*.

Clause 4 Section 137D inserted

This clause inserts a new section 137D into the *Motor Vehicles Act* that removes any entitlement a person has to obtain a preliminary discovery order against the Registrar of Motor Vehicles.

Subsection 137D(2) defines a preliminary discovery order as an order from a court or tribunal for the

purpose of ascertaining the name and address of the registered owner of a motor vehicle so that the person obtaining the order can sue that owner for the recovery of a car parking debt which they claim to be owed under a contract for the use of a car park.

Subsection 137(3) defines “contract” and “car parking debt”.

A “contract” is defined to include an arrangement or understanding but does not include a contract that is in writing and signed by the relevant parties (for example, a contract for long-term parking arrangements entered into between a person and a private car park operator).

A car parking debt is defined to mean any amount payable under a contract in relation to the use of a car park. This includes both fees for use of car parking space and any additional fee charged upon a breach of a contract.

5 Part X inserted

This clause inserts a new section 140 into the *Motor Vehicles Act* which deems any preliminary discovery orders, made between 1 June 2015 and the date the Act receives the Administrator’s consent, to have never been made.

6 Expiry of Act

The amendment Act will expire on the day after the Administrator’s consent for it is declared.