

**INSTRUMENT OF EXEMPTION FROM RULE 207 OF THE AUSTRALIAN ROAD RULES**  
**PARK ADELAIDE SMART DEVICE APPLICATION ELECTRONIC TICKET USERS**

**ROAD TRAFFIC ACT 1961 (Section 174C)**

I, **Mark Goldstone**, Chief Executive Officer of the Corporation of the City of Adelaide, delegate of the Corporation of the City of Adelaide (**Council**) hereby:

- A. Exempt persons of the below specified class from compliance with Rule 207 of the *Australian Road Rules* in accordance with Section 174C(1) of the *Road Traffic Act 1961* and Regulation 63 of the *Road Traffic (Miscellaneous) Regulations 2014*:

Electronic Ticket Users

Users of Council's Park Adelaide smart device application (**the App**) who (from time-to-time):

- submit an application for an 'Electronic Ticket' using the App;
  - pay the fee set by Council (or a delegate of Council) from time to time for the 'Electronic Ticket'; and
  - comply with the conditions set by me for use of the 'Electronic Ticket' exemption, as specified in Attachment A to this exemption.
- B. Determine, in accordance with Section 174C(2) of the *Road Traffic Act 1961* and Regulation 63 of the *Road Traffic (Miscellaneous) Regulations 2014* that, with respect to the exemption specified in paragraph 1 of this exemption:
- a. an 'Electronic Ticket' Fee of an amount equivalent to the amount specified within the 'On Street Ticket Machines, Parking Fees' section of the Council's Fees and Charges Schedule (**the Schedule**) will apply and such fee:
    - i. will vary in accordance with the provisions of the Schedule (including by duration, zone, maximum limit and day); and
    - ii. may be increased or decreased by a decision of Council or a delegate of the Council from time-to-time; and
    - iii. shall be separately specified in the Schedule;
  - b. the conditions specified in Attachment A to this exemption will apply.
- C. Determine to publish details of the App and this exemption on the Council's website ([www.cityofadelaide.com.au](http://www.cityofadelaide.com.au)).
- D. Determine that this Exemption supersedes any previous Electronic Ticket User exemption granted by Council.

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Mark Goldstone  
Chief Executive Officer  
The Corporation of the City of Adelaide

Dated: 04/02/2019.

**ATTACHMENT A**

**PARK ADELAIDE SMART DEVICE APPLICATION ELECTRONIC TICKET USERS**

**CONDITIONS OF EXEMPTION**

***ROAD TRAFFIC ACT 1961 (Section 174C)***

1. The exemption exempts the User from the provisions of Rule 207 of the Rules for the duration of Electronic Ticket Period, provided:
  - 1.1 the User makes application to Council in accordance with paragraph 12.9.1;
  - 1.2 the User complies with the conditions of the exemption; and
  - 1.3 the Vehicle is parked in accordance with the conditions of the exemption.
2. The exemption applies to the User:
  - 2.1 during the Electronic Ticket Period only and has no effect either before the commencement of the Electronic Ticket Period, or after its conclusion;
  - 2.2 provided the User has paid the Prescribed Fee by electronic means using the App and retained a copy of the Electronic Ticket Confirmation; and
  - 2.3 while the Vehicle remains in an Approved Parking Space within an Approved Parking Zone.
3. The Vehicle must be removed from the Approved Parking Space at the conclusion of the Electronic Ticket Period unless:
  - 3.1 the Vehicle is permitted to remain within the Approved Parking Space in accordance with any of Rules 205 and 206 of the Rules and the User either:
    - 3.1.1 makes another application in accordance with paragraph 12.9.1; or
    - 3.1.2 complies with Rule 207 of the Rules; or
  - 3.2 the Vehicle is permitted to remain within the Approved Parking Space in accordance with Rule 205A of the Rules; or
  - 3.3 the User obtains an Extend Stay Exemption from Council.
4. Council must receive payment of the full amount of the Prescribed Fee by way of the App promptly on the first stopping of the Vehicle in the Approved Parking Space.
5. The Vehicle must otherwise be parked in accordance with the RT Act and/or the Rules.
6. The application of this exemption is not transferrable by the User to any other person or vehicle and applies only to the Vehicle that was parked in the Approved Parking Space at the commencement of the Electronic Ticket Period.

7. An authorised officer or employee of Council may determine that the exemption does not apply to the User if:
  - 7.1 the User fails to produce an electronic or hard copy of the Electronic Ticket Confirmation upon the request of an authorised officer; or
  - 7.2 the Vehicle is required to be removed from the road in accordance with Section 40N of the RT Act.

Any determination under this paragraph will be communicated to the User, in writing.
8. The exemption ceases to apply to the User:
  - 8.1 after the expiry of the Electronic Ticket Period;
  - 8.2 if the Vehicle is removed from the Approved Parking Space;
  - 8.3 if the User fails to comply with the conditions of this exemption or the conditions/terms of use of the App;
  - 8.4 if an authorised officer or employee makes a determination under paragraph 7.
9. The User must not submit a further application for a Electronic Ticket Exemption in accordance with paragraph 12.9.1 unless:
  - 9.1 the Vehicle is permitted remain within the Approved Parking Space in accordance with any of Rules 205, 205A and 206 of the Rules; or
  - 9.2 the Vehicle has been removed from the Approved Parking Space and the Vehicle has either been:
    - 9.2.1 parked in another Approved Parking Space within another Approved Parking Zone; or
    - 9.2.2 parked again in the same Approved Parking Space within the same Approved Parking Zone after having been removed from that place in accordance with this paragraph 9.2.
10. The User must comply with the conditions of the exemption.
11. The User is not entitled to a refund of the Prescribed Fee in the event that the exemption's application to the User is voided or cancelled in accordance with these conditions.
12. In this exemption:
  - 12.1 **App** means Council's 'Park Adelaide' smart device application as determined by the Council's Chief Executive Officer, details of which are available on Council's website [www.cityofadelaide.com.au](http://www.cityofadelaide.com.au);
  - 12.2 **Approved Parking Space** means the length of road, or area, to which the permissive parking sign that applied to the Vehicle at the commencement of the Electronic Ticket Period, applies;

- 12.3 **Approved Parking Zone** means a length of road or area to which a permissive parking sign applies and information on or with the sign indicates that a fee is payable for parking by buying a ticket or putting money into a parking meter;
- 12.4 **Electronic Ticket Confirmation** means a notice sent by Council to the User by electronic means confirming receipt by Council of the Prescribed Fee and includes a notice provide to the User by way of the App;
- 12.5 **Electronic Ticket Period** means the period of time for which an equivalent Prescribed Fee has been paid;
- 12.6 **Prescribed Fee** means the Electronic Ticket fee set by Council for the purposes of this exemption;
- 12.7 **RT Act** means the *Road Traffic Act 1961 (SA)*;
- 12.8 **Rules** means the *Australian Road Rules (SA)*;
- 12.9 **User** means a person who has:
- 12.9.1 utilised the App (in accordance with the conditions/terms of use of the App) to submit an application for an 'Electronic Ticket' exemption containing all of the information required by Council and/or the App;
  - 12.9.2 paid the Prescribed Fee by electronic means using the App;
  - 12.9.3 received the Electronic Ticket Confirmation; and
  - 12.9.4 parked, allowed or caused to be parked, the Vehicle in an Approved Parking Zone;
- 12.10 **Vehicle** means the motor vehicle owned or driven by the User;
- 12.11 a reference to the **Council** means the Corporation of the City of Adelaide and includes an agent or delegate acting on the Council's behalf;
- 12.12 terms used in the RT Act and Rules have the same meaning in this exemption, unless the contrary intention appears.