



Attorney-General's Chambers

BY HAND

2 December 2014

Marshall Diel & Myers Limited
31 Reid Street
Hamilton HM 12

Attention: Mark A C Diel

Dear Sirs,

RE: ORDINANCES - CORPORATION OF HAMILTON

This will respond to your letter of 21st November 2014, received in Chambers on 25 November 2014.

I understand that your first concern relates to the various ordinances listed in your letter. We would refer your client to the list of ordinances attached to the Attorney General's letter of 20 November 2014, including the comments of Parliamentary Counsel. You will find that many of the instruments in your list have been validated by the Validation Act 1995, or superseded by more recent valid legislation. Regarding any ordinances that may be invalid and subject to the procedure for enactment in the Municipalities Reform Act 2013, new validation legislation must have the support of the Minister responsible. Such legislation would be a Government bill promoted by the Minister, so your client should reach out cooperatively to him.

I acknowledge your view that validation may be made "only in so far as the 2013 Amendment Act has affected the validity of the Ordinances in question." Some invalid instruments may require a simple validation procedure but others may require amendment. Discussions with the Minister should commence as soon as possible, so that the ordinances proposed to be validated may be reviewed, to determine whether they may be given effect in their current form.

Your second concern relates to possible "alternative methods of regulating parking" in Corporation parking lots. We note that the Hamilton Fee-Parking Ordinance 1981, section 5, provides for the issuance of "passes" granting parking privileges, as does the Municipalities (Hamilton Pay and Display Parking) Ordinance 1986, at sections 4 and 8. As an interim measure, such passes may permit flat-rate daily or multi-day parking, in accordance with the fee schedule in the instruments. Therefore, alternative methods outside the legislative provisions would be unnecessary because there appears to be a mechanism already effective to give the Corporation flexibility to regulate fee parking within the lots. The amendment of parking rates may be necessary, but would be a simpler procedure than more substantive amendments.

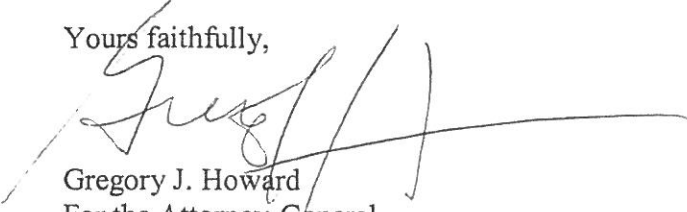
The third issue you raise on behalf of your client is the mechanism for the payment and collection of fines for parking in Corporation car parks, and the enforcement and collection of fines for illegal parking on public streets. As you will no doubt be aware, there are many models for the sharing of revenue and enforcement of parking in the thousands of municipal areas in North America and the UK. The model in effect here may be changed only through consultation



with the Minister responsible who may assist in building consensus with his Cabinet colleagues to ensure that the appropriate policy, governance, and legislative changes are put in place.

Any proposals for policy reform, such as revenue sharing or payment of fines to the Corporation, as that procedure governs in other jurisdictions, would be more effectively initiated through discussions between the Minister and your client aimed at an amicable and sensible resolution that meets the needs of the Corporation and Government.

Yours faithfully,



Gregory J. Howard
For the Attorney-General

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CPC