

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	24/05/2016	16/148	24/05/2016
2	28/07/2020	20/237	28/07/2020

2 Policy Scope

This policy applies to Griffith City Council Compliance Officers monitoring and enforcing parking restrictions pursuant to the Road Rules 2014 and the issuing of Penalty Infringement Notices (PINs) under the Fines Act 1996 within the Griffith Local Government Area (LGA).

Council must enforce restricted parking requirements in a manner which is impartial. In particular; no person, group, class of people, business or workplace shall be excluded from the enforcement of parking restriction requirements unless that exclusion is authorised by law or is in the public interest (i.e. an ambulance in the course of emergency function).

3 Policy Objective

The objective of this policy is to ensure the Council function of enforcing restrictions which apply to parking areas within the Griffith LGA is conducted in a manner which is fair, consistent impartial and transparent and to ensure Compliance and Enforcement Officers act professionally at all times.

It is recognised that Compliance Officers are not affiliated with the NSW Police and have no vested authority to deal with hostility from individuals.

There is never pressure or any form of quota from management to issue a certain number of penalty infringement notices.

4 Policy Statement

4.1 Restricted Parking Compliance

4.1.1 Methods of Monitoring

Authorised Council Officers will monitor compliance with, and undertake enforcement of, restricted parking using a combination (dependant on availability of staffing resources and identified areas of priority) of the following methods:

- High Visibility Patrols: Involves activities, including foot patrol, where Compliance Officers are visibly obvious to the community and where such visibility clearly identifies Compliance Officers are conducting parking enforcement.

- b) Low Visibility Patrols: Involves activities where Compliance Officers may not be clearly visible.
- c) Mobile Vehicle Patrols: A mobile patrol may be undertaken in an area where timeliness is a factor in monitoring compliance, or when Officer safety is a concern or when there is not sufficient parking space to park the Compliance vehicle.
- d) Routine patrol of restricted parking areas with a combination of points (a) High Visibility Patrols, (b) Low Visibility Patrols, (c) Mobile Vehicle Patrols and Foot Patrols.
- e) Response to complaints received via the Customer Request Management System (CRMS) concerning illegally parked vehicles.
- f) Conducting of targeted programs to restricted parking areas to address heightened or systemic non-compliance problems.
- g) Response to identified breaches of Restricted Parking requirements.

4.1.2 School Zones Parking Compliance

School zones are directly related to the safety of school children.

- a) Will be conducted either as a High Visibility Patrol or Mobile Vehicle Patrol.
- b) During a Mobile Vehicle Patrol, under no circumstances, are Compliance Officers to park their vehicle illegally to issue a PIN to any offending motorists.
- c) Only if practicable, Compliance Officers should approach the offending vehicle to advise the driver a PIN will be issued. PINS will be issued by post in this situation to eliminate the risk of injury to children, pedestrians, drivers and officers due to the high volume of vehicle movements.
- d) Where a PIN is unable to be issued at the time to the driver of the offending vehicle, it should be prepared and posted to the registered owner of the vehicle pursuant to Section 184 of the Road Transport Act 2013.
- e) When conducting high visibility patrols, Compliance Officers will wear body activated fitted cameras during patrols to record encounters with the public. Any type of interaction with the public may be recorded. The member of the public will be informed that the transaction is going to be digitally recorded.
- f) Regular reports will be entered into Council's School Patrol Schedule and saved in HPE Content Manager.

4.1.3 Timed Parking Compliance

Timed Parking applies in the Central Business District and in other pockets of condensed parking around the city.

- a) Compliance Officers will initially record (chalk) the tyre of the vehicle observed parking in the timed parking areas of the CBD.
- b) At the expiration of the time frame allowed, Compliance Officers will revisit the area and where, based on supporting circumstantial evidence, vehicles have breached the time allowed, issue a PIN and leave it under the windscreen wipers of the vehicle.
- c) Compliance Officers will wear body fitted cameras during patrols to record encounters with the public. Any type of interaction with the public may be recorded. The member of the public will be informed the transaction is going to be digitally recorded.
- d) Compliance Officers may use electronic chalking (Valve Stemming) in the enforcement of timed parking and will always enforce the provisions of the regulations in a pro-active manner and it is acceptable that there are times officers may use this method of enforcement where other traditional methods are not resulting in the turning over of timed parking spaces.

4.1.4 Other Offences

Parking notices are erected in various locations around the Griffith LGA for a variety of reasons. Some examples of these signs include 'Disabled Parking', 'Mail Zone', 'Taxi Zone' etc.

- a) Where practicable, PINs relating to these types of offences should be issued at the time by leaving it under the windscreen wiper.
- b) If unable to carry out this practice, the PINs should be prepared and posted to the registered owner of the vehicle pursuant to Section 184 of the Road Transport Act 2013.

4.2 Issuing Of Penalty Infringement Notices

4.2.1 Council Officers will have discretion to respond to identified breaches of restricted parking requirements in the following manner:

- a) In the ordinary course, a penalty infringement notice, where based on supporting circumstantial evidence, will be issued in response to a breach of a lawful restricted parking requirement.
- b) Each instance of a breach of a restricted parking requirement shall be taken on a case by case basis and the Council officer shall have

discretion not to issue a PIN when it is fair and appropriate in the circumstance.

- c) Council Officers authorised to issue penalty infringement notices must receive training to ensure a consistent approach to the issue or non-issue of a PIN.
- d) In determining whether a PIN is to be issued or not, Compliance Officers will take into account supporting circumstantial evidence so as to exercise their discretion impartially.
- e) Any Compliance Officer may not cancel a PIN if they have commenced recording details on the notice.
- f) The onus to comply with current parking rules and regulations lies solely with each driver of a motor vehicle in NSW.

4.2.2 Where possible the Compliance Officer should attempt to issue the PIN by placing the PIN on the motor vehicle, normally under a windscreen wiper. The PIN may be sent via post to the owner of the motor vehicle under the following circumstances:

- a) The Compliance Officer observes a motor vehicle which is not compliant to enforceable conditions and the driver then drives away.
- b) The Compliance Officer cannot find a legal parking space to stop and issue a PIN.
- c) The Compliance Officer forms the opinion it would not be safe to issue the PIN in the normal manner.
- d) The Compliance Officer forms the opinion that it would be inappropriate to issue the PIN in the normal manner because of the prevailing weather conditions or vehicle type.
- e) Equipment failure.

4.3 Photographs

4.3.1 To ensure that appropriate evidence is collected, Compliance Officers are permitted to take photographs of vehicles as an evidentiary tool when they believe a breach of legislation has occurred. There is no legislative requirement to take photographs and as such, not every infringement notice will have an accompanying photograph.

4.3.2 Photographs will be taken first and the details of the offence then recorded to issue the PIN.

- 4.3.3 Once obtained, the photographic evidence must be secured in Council's record management system to restrict accessibility by the public and unauthorised members of staff.
- 4.3.4 Copies of photographs taken by Compliance Officers may be viewed on request by the owner to the vehicle to which the infringement is issued.
- 4.3.5 Copies of photographs taken by Compliance Officers will not be released as they form part of Council's evidentiary tools.

4.4 Digital Recording Devices

- 4.4.1 To ensure that appropriate evidence is collected, Compliance Officers are permitted to take digital footage of interaction with owners/drivers of vehicles allegedly involved in a breach of restricted parking requirements. This footage will usually be captured using body fitted cameras.
- 4.4.2 When digital recording devices are used, Compliance Officers must advise the person that the transaction is being digitally recorded. In the event of a Compliance Officer wishing to record a matter in which they believe their safety is at risk, the same caution should be followed.

4.5 Administration, Collection and Review of Penalty Infringement Notices

- 4.5.1 Council has contracted the administration of PINs, including their collection, to Revenue NSW. Pursuant to this contract, Revenue NSW is responsible for collecting the payment of amounts required by PINs and also for determining any representations for the cancellation of a PIN by the recipient. Revenue NSW is responsible for the receipt and processing of fines issued by various government agencies (including Councils) and authorities, and administering the fine enforcement system for the collection of unpaid fines.
- 4.5.2 Council are commercial clients of Revenue NSW and pay a gazetted fee for each fine issued for the provision of the above service.

4.6 Discretionary Powers and Dealing with Vulnerable Persons

- 4.6.1 The Compliance Officer is the sole person delegated and authorised to use their discretionary powers to issue a verbal warning or formal caution at the time of offence.
- 4.6.2 Without limiting the discretion to give a caution, the matter that should be taken into account when deciding whether it is appropriate to give a person a caution instead of a penalty notice include instances when the officer has reasonable grounds to believe:
 - a) That the person has a mental illness or intellectual disability

- b) Is homeless
- c) Is under 18
- d) Has a special infirmity or is in very poor health
- e) Is a visitor from interstate or overseas and was not aware that their conduct constituted an offence
- f) Was responding to a medical or other serious emergency
- g) Any other matters identified for consideration in the Fines Act 1996 and any relevant Guidelines issued by the Attorney General under section 19A(3) of the Fines Act 1996.

4.6.3 The fact that one or more of these factors is present does not mean that the officer is obliged to issue a caution.

4.6.4 All the circumstances of the case should be taken into account to determine whether a caution is an appropriate and reasonable response to the offence.

4.7 Procedures for Reviewing Issue of Fines

4.7.1 When a fine has been issued by Council, the person who has been issued the fine can elect to do one of the following:

- a) Pay the fine in full
Payment of PINs is made to Revenue NSW
- b) Request a review of the penalty notice by Revenue NSW
If a person believes there are special circumstances that apply to them, or they wish to seek leniency, they should request a review of the penalty by Revenue NSW.
- c) Choose to go to court
The person who has been issued a fine can request to have the penalty decided in court by completing an online request form or a court election form (both available on the Revenue NSW website) or advise Revenue NSW in writing

4.8 Messaging for Councillors and Customer Service staff

4.8.1 Councillors and Customer Service staff are often requested to have fines issued by Council reviewed. Councillors and Customer Service staff are to advise the person to either:

- Contact Revenue NSW – <http://www.revenue.nsw.gov.au> / (02 9689 6200) with their representations or to arrange payment options **or**

- Choose to have the matter heard at the Local Court

4.8.2 Councillors are encouraged to advise constituents to forward their representations in writing to Revenue NSW in the first instance.

5 Definitions

PIN – Penalty Infringement Notice

6 Exceptions

Nil

7 Legislation

Roads Act 1993
Road Transport Act 2013
Road Rules 2014
Fines Act 1996
Local Government Act 1993

8 Related Documents

Nil

9 Directorate

Sustainable Development