
7 ADVOCACY AND COMMUNITY SERVICES

7.1 SETTING OF INFRINGEMENT PENALTY AMOUNTS

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SUMMARY

The Department of Transport recently revoked the *Road Safety (General) Regulations 2009*. As a result of the changes a new Council resolution is needed to set a new parking infringement amount for certain parking offence types known as “Green Signs”.

Council has the ability to set the penalty at not more than 0.5 of a penalty unit (one (1) penalty unit = \$165.22) in accordance with section 87(4) of the *Road Safety Act 1986* (the Act). Under the Act, to set these penalty rates greater than 0.2 but no greater than 0.5, a Council Resolution is required.

On the 11 December 2006 Council resolved to set “Green Sign” parking infringement amounts to \$35 which was put in place until 30 June 2008 and that this fee would be reviewed as part of Council’s budget program. Since July 2008, Council has been lawfully issuing penalties of \$35 which was then raised in 2009/2010 budget to \$50 and again in 2011/2012 budget to \$60.

RECOMMENDATION

THAT Council resolve pursuant to section 87(4) of the *Road Safety Act 1986* and any other power enabling it, to fix a penalty of \$80.00 for all parking infringements in contravention of a Regulation under the *Road Safety Act 1986* where the penalty prescribed in the Regulations is less than 0.5 penalty unit, effective from 1 July 2020.

BACKGROUND

Last year the Department of Transport advised Victorian Councils that the *Road Safety (general) Regulations 2009* were being revoked and would be replaced by the *Road Safety (General) Regulations 2019*. In doing so, identified that councils would need to make further resolutions in accordance with section 87(4) of the Act.

There are 11 parking infringements that Council have the ability to set a prescribed fee by resolution. These infringement types can have a penalty of up to 0.5 of a penalty unit (\$82.61) if Council makes a resolution increasing the penalty above 0.2 of a penalty unit.

On 11 December 2006, Council resolved to set the fee for “Green Sign” parking offences;

SETTING OF INFRINGEMENT PENALTY AMOUNTS (CONT.)

1. *The fee for parking offences under Section 87 (4) of the Road Safety Act 1986 be fixed at \$35 for the period 1 January 2007 to the 30 June 2008 and that this fee is reviewed as part of the Council Budget program with a report presented to Council as part of the 2008/2009 budget.*

Council has been issuing parking fines with the infringement penalty being the penalty referred to in the budget papers.

ISSUES AND DISCUSSION

The current infringement penalty fixed by Council is \$60. The penalty was resolved by Council in the 2011/2012 budget and has not been altered. In October 2019 the infringement penalty amount was reduced to 0.2 of a penalty unit (\$33.00).

An offence against “Green signs” is the second most typical parking offence that the Local Laws unit would enforce and mostly relates to the effective flow of traffic in and around the Municipality Central Business Districts.

Section 87(4) of the *Road Safety Act 1986* allows a Council to set a fee no higher than 0.5 of a penalty unit. The monetary Penalty Unit is set by section 110 of the *Sentencing Act 1991*, 0.5 penalty unit currently equates to \$82.61. Therefore, Council can set the fee between \$33 and \$82.61.

The eleven (11) “Green Sign” infringement categories include

- Parking for period longer than
- Parked fail to pay and obey instructions on sign
- Stopped on a bicycle parking area
- Stopped on a motorbike parking area
- Parked contrary to requirements of parking area
- Parked not at an angle of 45 degrees
- Parked not at an angle of 90 degrees
- Parked not completely in a parking bay
- Parked long vehicle exceeding minimum number of bays
- Parked wide vehicle exceeding minimum number of bays
- Stopped contrary to a no parking sign

SETTING OF INFRINGEMENT PENALTY AMOUNTS (CONT.)

CONSULTATION

A review has been conducted on the “Green Sign” penalty amounts at Councils across Victoria.

- Rural City of Wangaratta \$81.00
- Nillumbik Shire Council \$82.00
- Melton City Council \$82.00
- City of Greater Bendigo \$83.00
- Central Goldfields Shire Council \$45.00
- Wodonga City Council \$82.00
- Strathbogie Shire \$83.00
- Murrindindi Shire Council \$33.00
- Hume City Council \$50.00

It is noted that there are a number of parking signs across the municipality that are noncompliant, these will be addressed during regular auditing of parking signs across the municipality during the 2020/2021 Financial Year.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

There will be a slight impact on the current budget in that the revenue from parking infringements will increase slightly with parking compliance improving across the municipality. There will be no cost incurred to Council with the introduction of the increased infringement amount. Increasing infringement amounts to \$80.00 will bring Mitchell Shire Council parking infringement penalties for “Green Signs” in line with other Councils.

POLICY AND LEGISLATIVE IMPLICATIONS

Section 87 of the *Road Safety Act 1986* sets out the powers that relate to issuing parking infringement notices. Section 87(3) provides that the penalty for a parking infringement notice is the penalty prescribed in the regulations.

RISK IMPLICATIONS

Risk Ranking is determined using [ROHS201-G1- Corporate Risk Matrix](#). Risk is identified as Low, Medium, High or Very High.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Not increasing parking infringement amounts will reduce compliance and impact business across Mitchell Shire	Medium	Increasing infringement amount to regulate appropriate parking	Yes

SETTING OF INFRINGEMENT PENALTY AMOUNTS (CONT.)

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Impact of increasing parking infringement amounts	Low	Minimal as people parking lawfully will not incur a penalty	Yes

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Parking Enforcement within Mitchell Shire Council has impacted with parking regulations being enforced more frequently, more effectively and more considerately. Improving parking enforcement and parking controls supports parking management by increasing regulatory effectiveness. As parking management activities expand, so too should enforcement activities.

Increasing parking infringement amounts to \$80.00 in line with other Councils will ensure responsible parking and allow for effective compliance measures to be introduced which will assist community and visitors alike to adhere to parking regulations.