



# Parking Infringement Management Policy

VERSION 1



CITY OF STONNINGTON PARKING INFRINGEMENT MANAGEMENT POLICY

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**Policy Owner**

Environment and Infrastructure

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CEO

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**Version history**

Parking Infringement Management policy    Adopted by CEO on 4 November 2022

## Introduction

<<Include a brief introduction>>

## Purpose

The purpose of this policy is to:

- Document Council's approach to the management of parking infringements issued by Council's authorised officers; and
- To ensure that functions are exercised consistently in accordance with Council's obligations under the *Local Government Act 1989* and *Local Government Act 2020*; and
- To ensure all parking infringement processes are conducted in accordance with the requirements of the Infringements Act 2006, which provides the framework for issuing and enforcing parking infringement notices.

## Scope

This Policy applies to all Council Parking Infringement functions and is binding on all Council employees and contractors, while engaged by Council.

## Objectives

The Parking Infringement Management Policy (the Policy) outlines the standards and expectations set by Council for the legislative enforcement of parking infringements; and to ensure all functions, duties and responsibilities are conducted in a transparent, fair and efficient manner.

## Policy

### POLICY IMPLEMENTATION

The Parking Services unit will ensure that all employees and authorised officers are trained and competent in this policy and the procedures that support the Policy.

The Parking Services unit will provide reporting to the Department of Justice and Community Safety in accordance with the Infringements Act 2006. This includes biannual infringement reporting on:

- The number of official warnings;
- The number of official warnings withdrawn;
- The number of infringement notices issued;
- The number of infringement notices withdrawn;
- The number of persons served with an infringement notice who elect to have the matter heard and determined in court, or in the case of a child, the Children's Court;
- The number of applications for internal review under each of the grounds and the number of applications for internal review decided;
- The number of applications for payment plans received by the enforcement agency

and as far as practicable:

- The total number of payment plans offered.
- The total number of payment plans commenced.
- In relation to commenced payment plans, the number defaulted.
- The number of applications for review under Special Circumstances – Family Violence.

## PARKING INFRINGEMENT ISSUANCE

Only officers authorised by Council's CEO and issued an identification card are authorised to take enforcement action on behalf of Council.

Authorised Officers have an obligation to enforce the legislation conferred upon Council. This enforcement action may include verbal or written warnings and directions or the issuance of an infringement notice.

Infringements are to be issued in accordance with this Policy and the General Patrol Guidelines and Procedures issued to the contractor.

Parking Infringements may be issued by:

- Being handed to the person responsible for the vehicle
- Being affixed to the windscreen of the vehicle
- Being mailed to the registered owner of the vehicle

All infringements issued must be uploaded and recorded in IMaaS; the infringement management system provided by the contractor, within 24 hours of being issued.

## WITHDRAWAL OF INFRINGEMENTS

If an Authorised Officer identifies an error on an issued infringement, the officer must complete a Withdrawal Form outlining the reason for the infringement's withdrawal.

The withdrawal form must be approved by the Parking Supervisor before the VOID is processed in PinForce.

A void report is prepared by the contractor and reported on a weekly basis.

Authorised Parking Officers and Parking Supervisors do not have access to withdraw an infringement in IMaaS.

If an error is detected after an infringement has been uploaded into IMaaS, the matter must be referred to Council's Parking Services Team. The infringement will be placed on hold so as to avoid any further escalation or costs to be incurred.

In these cases, where the error is clearly identifiable, there is no need for an internal review to be submitted. The authorised review officer will review the infringement and error and will withdraw the infringement in IMaaS as required.

## INTERNAL REVIEWS

A person issued with an infringement is entitled to apply for an internal review of the decision to issue the infringement notice.

Applications for internal review will be considered, processed and responded to by authorised officers within the Parking Services team

The Chief Executive Officer (CEO) or Councillors are not able to become involved in the review of an infringement notice. If the CEO or Councillors receive an application for internal

review, the application will be forwarded to the Parking Services team to be processed.

An Application for Internal Review can be submitted using the online form available via Council's website, by mail or by email.

The application for internal review must:

- Include the applicant's full name
- Include the applicant's postal address for service of the review outcome
- Include the infringement number or vehicle registration number
- Set out the circumstances and basis for contesting the infringement and specify the grounds under which the infringement should be reviewed:
  - The infringement was issued contrary to law;
  - There was a mistake of identity;
  - That special circumstances apply to the person;
  - the conduct for which the infringement notice was served should be excused having regard to any exceptional circumstances relating to the infringement offence; or
  - the person was unaware of the infringement notice
- Include any documentary evidence that supports the application

A person who has been issued with an infringement notice can authorise a third party to apply for an internal review on their behalf. The third party must provide a copy of the written authorisation when submitting an application for internal review, on behalf of another person.

A request for review of an infringement may only be made once in relation to any one infringement offence in respect of the applicant

Once an application for internal review has been received and loaded into IMaaS, the infringement will be placed on hold until the review is completed and a decision is made.

Internal Reviews will be conducted in accordance with the confidential guidelines as approved by the Manager Transport and Parking.

Financial hardship is not considered a ground for review however Council may consider such applications under exceptional circumstances. Council may also offer a payment plan if appropriate.

If necessary, the review officer may request the applicant provide additional information to support their internal review application.

Review Officers are required to exercise their discretion when considering applications for internal review and must make their decisions in accordance with the legislative framework and the requirements of general administrative law.

Council's review officers will advise applicants of the internal review decision outcome by writing to them at the postal address provided in the application, within 21 days of the decision being made. The letter advising the internal review outcome will outline all of the options available to finalise the matter.

Council's review officers will use an anonymised identification reference when signing off their internal review response letters. The identification reference will be linked to the employee's system access.

If the internal review decision is to uphold the infringement, the due date for payment of the

infringement will be extended by a minimum of 21 days, from the date of the response.

A person issued with an infringement notice may elect to have the matter heard in Court at any time.

Internal review applications submitted by Council staff or Councillors will be considered by Council's Parking Infringement Review Committee.

## PARKING INFRINGEMENT PAYMENTS

Infringements must be paid by the due date on the infringement notice.

A person responsible for an infringement may apply for a payment plan in the form of:

- An extension of time
- An instalment plan
- An extension of time and an instalment plan

A payment plan can be granted at any time before the infringement is registered with Fines Victoria.

If a person defaults on their instalment plan, a letter will be sent advising payment is required within 14 days. If payment is not received by that date, the payment plan will be cancelled and enforcement of the infringement will continue.

A person may also apply to Council for their infringement to be referred to Fines Victoria for a Payment Arrangement. A Payment Arrangement may include infringements issued by different enforcement agencies and at different stages of enforcement. Once an infringement is referred to Fines Victoria for a payment arrangement the matter will be placed on hold until payment has been made in full or Fines Victoria notify Council that the Payment Arrangement is in default or has been cancelled.

The management of Parking Infringement Payments is outlined in Council's Parking Infringement Revenue Policy.

## FINES VICTORIA AND PROSECUTIONS

Prior to an infringement being registered with Fines Victoria, the person responsible for an infringement notice may elect to have the matter heard in Court.

All Authorised Officers have the power to instigate Court proceedings and represent Council in proceedings for offences against the *Road Safety Act 1986* and the *Road Safety Road Rules 2017*. However, the Senior Parking Services Officer will generally initiate, conduct, and finalise most prosecution proceedings, or brief out select proceedings to external lawyers.

Infringements that have progressed through the lifecycle and remain unpaid will be registered with Fines Victoria for further enforcement action.

Once an infringement has been registered with Fines Victoria, Council will not accept direct payment or consider an application for internal review. The person responsible for the infringement will be required to contact Fines Victoria via <https://online.fines.vic.gov.au/> or by calling 9200 8111.

## REPORTING AND MONITORING

A daily and monthly reporting regime is in place whereby Council's contractor reports on parking infringement activities. These include, but are not limited to:

- Daily banking summary

- A Weekly report detailing key information such as infringements issued, YTD targets, YTD actuals, variance etc
- Monthly patrol frequency and average time to respond to enforcement requests
- Percentage of infringements paid prior to registration with Fines Victoria
- Internal Reviews processed

The Parking Services Coordinator is responsible for managing the contract and monitoring parking performance.

A monthly contract meeting is held to review monthly trends and address any issues.

## PARKING INFRINGEMENT COMPLAINT MANAGEMENT

Complaints relating to the conduct of an authorised parking officer can be lodged via Council’s website or by calling 8290 1333. Complaints are allocated to the Parking Services Coordinator for review and investigation.

Complaints that are received directly by the contractor will be referred to Council’s Parking Services Coordinator.

The Parking Services Coordinator will investigate complaints to determine whether the officer has acted in accordance with the Code of Conduct for Enforcement Officers and the General Patrol Guidelines and Procedures that are issued as attachments to the contract specifications.

The contractor may be asked to further investigate a matter or provide a report if further information is required from the relevant officer.

Any complaints regarding the officer’s conduct will be considered separately to any application for internal review.

The Parking Services Coordinator will respond to complaints.

Ongoing concerns about a specific officers’ conduct will be discussed at the monthly contract meeting.

## Definitions

Term	Definition
Contractor	the organisation contracted by Council to manage parking infringement issuing, administration processing and receipting.
Council	the City of Stonnington
Employee	current, future or former staff of Council. An employee is someone who receives, or is entitled to receive, salary and wages in return for work or services provided, or for work under a contract which is wholly and principally for the person’s labour.
Authorised Officer	an officer authorised by Council’s CEO under the <i>Local Government Act 1989</i> to be an authorised officer for the administration of and enforcement of the <i>Road Safety Act 1986</i> , the <i>Road Management Act 2004</i> and the regulations made under those Acts.
Fines Victoria	the Administrative body within the Department of Justice and Community Safety, which deals with the

	administration, collection and enforcement of registered infringement notices and penalties, such as speed camera and parking fines.
Parking infringement	an infringement notice, which is a penalty for allegedly breaking the law in relation to a parking breach of Part 12 of the Road Safety Road Rules 2017.
PinForce	the infringement issuance software
IMaaS	the infringement management system provided by <i>the contractor</i>
Parking Infringement Review Committee	the committee chaired by the Parking Services Coordinator and comprised of the Manager Transport and Parking, Parking Services Coordinator, the Senior Parking Services Officer and the Senior Parking Services Administrator.
Road Rules	the <i>Road Safety Road Rules 2017</i>

## Responsibilities

<b>Party/parties</b>	<b>Roles and responsibilities</b>
Chief Executive Officer (CEO)	Authorise Parking Enforcement Officers
Director Environment and Infrastructure	Approve any Policy changes
Manager Transport and Parking	Periodically advise the Director Environment and Infrastructure on compliance with this Policy. Formulate and implement strategies to promote compliance with this Policy. Regularly review the Policy and associated Procedures.
Parking Services Coordinator	Ensure processes are performed in accordance with Contract specifications and conditions. Manage all parking infringement contractors and ensure they fulfil their obligations in relation to the efficient, accurate and transparent issue of infringement notices and collection, remittance and reporting of all parking infringement revenue consistent with this Policy. Manage the Parking Services staff and ensure infringement processes are conducted efficiently, accurately and transparently consistent with this Policy
Senior Parking Services Officer	Initiate and conduct prosecution proceedings in accordance with relevant legislation.
All council officers and contractors	Adhere to the Policy



## Monitoring, Evaluation and Review

Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in the Policy’s implementation.

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made.

Officers are authorised to make minor editorial amendments as needed for administrative or updated information purposes (for example, but not limited to: changes to position and roles, references to legislation, definitions etc). Officers may also make amendments to the list of related documents at such times where reference material or guidelines require updating.

## Related Legislation and Policies

There are a range of legislation, codes and Council documents that inform and support this Policy. These include, but are not limited to:

Legislation	Council documents
<ul style="list-style-type: none"> <li>• <i>Local Government Act 1989</i></li> <li>• <i>Local Government Act 2020</i></li> <li>• <i>Infringements Act 2006</i></li> <li>• <i>Road Safety Act 1986</i></li> <li>• <i>Road Safety Road Rules 2017</i></li> <li>• <i>Road Safety (General) Regulations 2019</i></li> <li>• <i>Fines Reform Act 2014</i></li> <li>• <i>Magistrates Court Act 1989</i></li> </ul>	<ul style="list-style-type: none"> <li>• Code of Conduct for Enforcement Officers</li> <li>• General Patrol Guidelines and Procedures</li> <li>• Withdrawal Guidelines – Confidential</li> <li>• Internal Review Guidelines issued by the Department of Justice and Community Safety</li> </ul>