

## INTERNAL REVIEW GUIDELINES

### 4. LITTERING OFFENCES

Information recorded by the issuing officer at the time of issue will be considered when making decisions regarding the penalty notice.

Circumstances that will be reviewed for littering offences include:

Circumstance	What are the circumstances that I can ask for a review	What evidence do I need?
4.1 Fraudulent use of particulars/claims of false identity	I was not the person who committed the offence and believe that another person has used my particulars.	Supporting documentary evidence that you were not in the location at the time of the offence.  An event number from a police report of stolen identity, loss of wallet etc.  Proof of absence overseas – copy of passport showing entry and exit dates.  Copies of photo identity.
4.2 Vulnerable persons – mental incapacity	The person issued the penalty notice has a diagnosed mental health condition and this condition was a contributing factor or lessens the responsibility of the person for the penalty notice.	A detailed report on official letterhead from a medical practitioner, Agency or Government department setting out the history of mental health issues.
4.3 Deceased persons	The person who committed the offence is now deceased.	Proof of death which may include:  Copy of death certificate issued by the Principal Registrar of Births, Deaths and Marriages  Copy of Certificate of Death issued by a medical practitioner  Copy of any document issued by a legal practitioner, police officer or Coroner which refers to death  Any other documentary evidence that is sufficient proof of death.
4.4 Littering from a vehicle – you are the registered owner of the vehicle but you were not the driver	I own the vehicle and have been sent a penalty notice but I was not the driver at the time of the offence.	A completed statutory declaration telling SDRO the driver/person responsible for the vehicle at the time of the offence.
4.5 Littering from a vehicle – wrong vehicle	I believe the penalty notice has been issued to my vehicle in error.	Details of your claim and any supporting documentation you have.

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Circumstance	What are the circumstances that I can ask for a review	What evidence do I need?
4.6 Littering from a vehicle- you sold or transferred the vehicle ownership prior to the date of the offence/wrong owner	I have been recorded as the owner of a vehicle in error.	<p>The registered owner should update the change of ownership with NSW RMS and then send the SDRO a statutory declaration providing the details of the new owner.</p> <p>They can provide evidence of the transfer or sale of the vehicle with their statutory declaration if NSW RMS records are not yet updated.</p>
4.7 Littering from a vehicle – stolen vehicle	The vehicle was stolen at the time of the offence.	<p>Details of your claim any of the following:</p> <p>An event number from a NSW Police Force report</p> <p>Proof from your insurance company that it paid the claim</p> <p>Copy of a report from Interstate Police confirming the date and time the vehicle was stolen.</p> <p><i>These documents must clearly show the time and date the vehicle was stolen and/or recovered.</i></p>

## INTERNAL REVIEW GUIDELINES

### 5. BUILDING AND ENVIRONMENTAL OFFENCES

LCC issue penalty notices for building and environmental offences. Information recorded by the issuing officer at the time of the offence will be considered when making decisions regarding your penalty notice.

Circumstances that will be reviewed for Building and Environmental offences include:

Circumstance	What are the circumstances that I can ask for a review	What evidence do I need?
5.1 You are the owner/occupier of the property but did not commit the offence	I own/occupy the property but did not commit the offence.	Send in a completed statutory declaration telling SDRO the details of the person responsible for the offence.
5.2 You are the owner of the property but did not commit the offence and the property was vacant at the time of the offence	I own the property but I did not commit the offence and the property was vacant at the time of the offence.	A completed statutory declaration telling SDRO the details of the person responsible for the offence.  Proof that a process is in place to determine who the occupier was (eg through a Managing Agent) and the process was unable to determine the occupier.
5.3 Fraudulent use of particulars & claims of false identity	I was not the person who committed the offence and believe that another person has used my particulars.	Supporting documentary evidence that you were not in the location at the time of the offence.  An event number from a police report of stolen identity, loss of wallet etc.  Proof of absence overseas – copy of passport showing entry and exit dates.  Copies of photo identity.
5.4 Vulnerable persons – mental incapacity	The person issued the penalty notice has a diagnosed mental health condition and this condition was a contributing factor or lessens the responsibility of the person for the penalty notice.	A detailed report on official letterhead from a medical practitioner, Agency or Government department setting out the history of mental health issues.
5.5 Deceased persons	The person who committed the offence is now deceased.	Proof of death which may include:  Copy of death certificate issued by the Principal Registrar of Births, Deaths and Marriages  Copy of Certificate of Death issued by a medical practitioner  Copy of any document issued by a legal practitioner, police officer or Coroner which refers to death  Any other documentary evidence that is sufficient proof of death.

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Circumstance	What are the circumstances that I can ask for a review	What evidence do I need?
5.6 Disputing offence or seeking leniency	Individual incident.	Details of your claim which will be referred to the NSW Police Force for consideration.
5.7 The company has been liquidated - no longer trading	The company has received a penalty notice and is no longer trading. The company is not in receivership - it has been liquidated.	Details of your claim with supporting documentation.

## INTERNAL REVIEW GUIDELINES

### 6. ANIMAL OFFENCES

LCC issues penalty notices for animal offences. Information recorded by the issuing officer at the time of issue will be considered when making decisions regarding your penalty notice.

Circumstances that will be reviewed for Animal offences include:

Circumstance	What are the circumstances that I can ask for a review	What evidence do I need?
6.1 Fraudulent use of particular & claims of false identity	I was not the person who committed the offence and believe that another person has used my particulars.	Supporting documentary evidence that you were not in the location at the time of the offence.  An event number from a police report of stolen identity, loss of wallet etc.  Proof of absence overseas – copy of passport showing entry and exit dates.  Copies of photo identity.
6.2 Deceased persons	The person who committed the offence is now deceased.	Proof of death which may include:  Copy of death certificate issued by the Principal Registrar of Births, Deaths and Marriages  Copy of Certificate of Death issued by a medical practitioner  Copy of any document issued by a legal practitioner, police officer or Coroner which refers to death  Any other documentary evidence that is sufficient proof of death.
6.3 You sold or transferred ownership of the animal prior to the date of the offence	I have sold or transferred ownership of the animal.	Details of your claim including details of the sale.
6.4 The animal is deceased	I received a penalty notice for failing to register and microchip my dog or cat and the animal is now deceased.	Details of your claim including supporting documentary evidence confirming the death of the animal.
6.5 Animal not under effective control	Individual incident.	Details of your claim will be checked against the information recorded by the issuing officer at the time of issue.

**INTERNAL REVIEW GUIDELINES**

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**AUTHORISED BY**

The General Manager

**EFFECTIVE FROM**

**DEPARTMENT RESPONSIBLE**

**REVIEW DATE**

These Guidelines will be reviewed within three (3) years of adoption by Council, or where there is a discrepancy between the Guidelines and Legislation.

Attachment 3 - Internal Review Procedure



# Liverpool City Council

## INTERNAL REVIEW PROCEDURE

**ADOPTED:**

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## **INTERNAL REVIEW PROCEDURE**

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### **1. DEFINITIONS**

The following definitions are applicable where contained within this Procedure.

- **Council** means Liverpool City Council.
- **OSR** means Office of State Revenue.
- **SDRO** means the State Debt Recovery Office
- **Enforcement Officer** means a Council Ranger, Parking Patrol Officer or Authorised Officer granted appropriate delegated authority under the Local Government Act 1993.
- **PIN** means Penalty Infringement Notice.
- **IRP** means Internal Review Panel.
- **RMS** means the Roads and Maritime Services.

### **2. PURPOSE/OBJECTIVES**

This procedure is developed to provide a consistent approach in undertaking Internal Reviews of Penalty Infringement Notices submitted to Liverpool City Council for their consideration.

### **3. SCOPE**

This procedure encompasses all requests for review of Penalty notices issued by Enforcement Officers of Liverpool City Council.

### **4. RELATED DOCUMENTS**

The following documents are related to this procedure:

- Enforcement Policy – adopted 7 February 2011
- Animal Management Policy – adopted 14 June 2005
- Code Of Conduct – amended 18 April 2011
- Complaints Handling Policy – reviewed 19 July 2010
- Liverpool CBD Parking Strategy – adopted 15 February 2010
- Penalty Infringement Notice Policy
- Liverpool City Council Internal Review Guidelines

## **INTERNAL REVIEW PROCEDURE**

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### **5. MATTERS TO BE TAKEN INTO ACCOUNT**

Review officers conducting internal agency reviews must ensure that their discretionary powers are exercised in good faith and in a way that is consistent with the approved Guidelines.

To help ensure the integrity of the review process, applications must be determined with reference to the written application and wherever possible, to any statement or other information provided by the applicant, such as medical, psychological or case worker reports.

The review must also take into account the grounds upon which the application for review has been made and whether, given the person's application, prosecution of the offence would be likely to be successful and/or, whether it is appropriate to continue the enforcement process.

The reviewing agency may request additional information from the applicant, in writing. The review can be conducted without the additional information if this is not provided within 14 days of the request.

Where an application for review contains information that significantly conflicts with the evidence presented by the issuing officer or any relevant camera, machine or other device, and this information is considered material to the offence/s indicated; a report should generally be requested from the issuing officer, or regarding that device, for consideration as part of the internal review. Such reports should be retained and filed with the application.

A report need not be requested if all the matters on which the application conflicts with the issuing officer's evidence are the subject of express notes made by the issuing officer at or around the time the penalty notice was issued.

#### **Extension of deadline for enforcement**

While a review is under way, the deadline for the enforcement of that penalty notice is extended. However, the deadline for enforcement cannot be extended beyond the applicable statutory limitation period for that offence.

#### **Grounds for review**

An issuing agency has the discretion to withdraw a penalty notice on its own motion, and on any grounds it sees fit.

However, the *Fines Act* stipulates mandatory grounds on which a penalty notice must be withdrawn. On review, a penalty notice must be withdrawn if the issuing agency finds that:

- The penalty notice was issued contrary to law,
- The issue of the penalty notice involved a mistake of identity,

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- The penalty notice should not have been issued, having regard to exceptional circumstances relating to the offence,
- The person to whom the penalty notice was issued is unable, because the person has an intellectual disability, a mental illness, a cognitive impairment or is homeless:
  - To understand that their conduct constituted an offence, or
  - To control such conduct.

*Note that the obligation to withdraw the penalty notice only arises if the person is unable to understand that their conduct is an offence, or is unable to control the conduct constituting the offence, as a result of their condition.*

- A caution should have been given instead of a penalty notice, having regard to the relevant caution guidelines,
- Any other ground prescribed by the regulations.

Each of these grounds is discussed in more detail below.

### **The penalty notice was issued contrary to law**

- A penalty notice is only issued according to law if every element of the offence appears to be present and there is sufficient evidence to prove every element of the offence.
- For example, when an officer issues a penalty notice for travelling on a train without a valid ticket, the penalty notice is issued contrary to law unless officer is satisfied, and there is sufficient evidence to prove, all of the following:
  - that the person travelled on a train,
  - without possessing a valid ticket (either personally or with someone else on their behalf), and
  - none of the legal defences or exceptions are applicable in this case.
- A penalty notice is issued contrary to law, and must be withdrawn if an error has been made regarding the existence of any of the elements of the offence. For example, a penalty notice must be withdrawn on this ground if a person is issued with a penalty notice for not paying a toll, but the toll was in fact paid within time.
- A person cannot lawfully be issued with more than one penalty notice for a single offence. This does not mean that a person, who repeats an offence, or a vehicle detected for repeat offences, cannot be given a penalty notice for each separate offence committed.

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### The issue of the penalty notice involved a mistake of identity

- A penalty notice must be withdrawn if it has been issued to the wrong person. For example:
  - a penalty notice issued by a camera for a driving offence is issued to the registered owner of a vehicle. However, the vehicle had been stolen or sold at the time the offence was committed, or the penalty notice was issued to the wrong vehicle due to an error in recording the registration number.
  - A law enforcement officer gives a penalty notice for an offence, but the offender has provided another person's identification documents.

### The penalty notice should not have been issued, having regard to exceptional circumstances relating to the offence

- In some cases, a penalty notice should not have been issued due to exceptional circumstances relating to the offence.
- Some examples of exceptional circumstances which may mean that a penalty notice should not have been issued are set out below. However, this does not mean that a penalty notice must be withdrawn in every case where there are exceptional circumstances. Regard must be had to what is reasonable in all the circumstances of each case, including the nature and severity of the offence.

<b>Example</b>	
Emergency services	An offence is committed by emergency or essential services personnel while engaged in emergency work.
Police direction	A person parks longer than they are entitled to. They could not return to their car because they were taken into Police custody, or were assisting Police with their enquiries
Medical emergency	A person parks longer than they were entitled to because they experienced unexpected trauma during a medical appointment or they were visiting someone in hospital and their condition worsened or death was imminent, and it was not reasonable to leave at that time.
Faulty vehicle or machinery	A person travels without a ticket because the vending machine was broken down and there was no

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	<p>other way to purchase a ticket. A person parks longer than they are entitled to because their vehicle was broken down at the time.</p>
Circumstances beyond the person's control	<p>A person travels on public transport without a ticket to escape violence or the threat of violence (for example, a family needing to travel suddenly to a domestic violence refuge). A person gets a penalty notice for consuming alcohol in a park, but they are at a festival which has Council approval to serve alcohol. A person drives an unregistered vehicle, but the fact that the registration was not valid at the time was due to an error by the registration authority.</p>

This is not an exhaustive list of exceptional circumstances (or of categories of exceptional circumstances) which may mean that a penalty notice should not have been issued.

**Intellectual disability, mental illness, cognitive impairment or homelessness**

The fact that a person has an intellectual disability, mental illness, cognitive impairment or is homeless is not in itself sufficient grounds to require withdrawal of a penalty notice.

The obligation to withdraw the penalty notice only arises if as a result of the person's condition, the person is unable to understand that their conduct constitutes an offence, or is unable to control the conduct constituting the offence. For example:

- A person with an intellectual disability does not understand that they have to purchase a platform ticket, even if they have no intention of travelling on a train,
- A person with a mental illness is swearing or behaving offensively during a severe episode,
- A person with a cognitive impairment gives a police officer an incorrect name or address because their impairment affects their social and interpersonal skills,
- For a homeless person, everyday domestic activities such as sleeping, having implements to prepare food (such as a knife) or drinking alcohol can become illegal activities because they are undertaken in public.

If the offence for which the penalty notice was issued is a driving or traffic related offence, and review is sought on this ground, the information and evidence provided may be referred to the Roads and Traffic Authority licence review unit, in the interests of public

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safety.

For the avoidance of doubt, the terms used above are defined as follows:

- Intellectual disability: A person has an intellectual disability where that disability:
  - (a) is attributable to an intellectual impairment, and
  - (b) is permanent or likely to be permanent, and
  - (c) results in a significantly reduced capacity in one or more major life activities, such as communication, learning, mobility, decision-making or self-care.
- Cognitive impairment incorporates a wider range of disabilities than intellectual disability and includes a disability which:
  - (a) is attributable to impaired brain functioning that can be associated with many diagnoses that are present at birth or acquired throughout a person's life span, and
  - (b) is permanent or likely to be permanent, and
  - (c) results in a significantly reduced capacity in one or more major life activities, such as communication, learning, mobility, decision-making or self-care.

Examples of cognitive impairment include a developmental disorder (including an autistic spectrum disorder and cerebral palsy), neurological disorder, dementia, brain injury (including from trauma or as a result of substance abuse), or Alzheimer's disease.

- Mental illness means a condition that seriously impairs, either temporarily or permanently, the mental functioning of a person and is characterised by the presence in the person of any one or more of the following symptoms:
  - (a) delusions,
  - (b) hallucinations,
  - (c) serious disorder of thought form,
  - (d) a severe disturbance of mood,
  - (e) sustained or repeated irrational behaviour indicating the presence of any one or more of the symptoms referred to in points (a)-(d).

Some common types of mental illness include schizophrenia, psychosis, bipolar disorder and serious depression or anxiety.

- Personality disorder: for the purposes of internal review of penalty notices, personality disorder may be considered a form of mental illness.
- Personality disorder means an extreme and maladaptive pattern of thinking and behaviour which causes disruption to a person's life.
- Examples of personality disorders include antisocial personality disorder, and borderline personality disorder.
- Homelessness: A person is considered homeless if they are:
  - (a) Without conventional accommodation – for instance, sleeping in parks or on the street, squatting, living in cars or in improvised dwellings; or

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- (b) Moving from one form of temporary accommodation to another – for example, refuges, emergency hostel accommodation, or temporary space in the homes of family and friends, or
- (c) Living in temporary accommodation due to domestic violence or unsafe living conditions, or
- (d) Living in a caravan park due to their inability to access other accommodation, or
- (e) Living in boarding houses on a medium to long-term basis.

A caution should have been given instead of a penalty notice, having regard to the relevant caution guidelines.

## **6. PROCEDURE**

The internal review must be conducted by a person who was not involved in making the decision to issue the penalty notice.

The person or people who made the decision to issue the penalty notice must not be the manager or superior of the person conducting the review.

A person must not review penalty notices if they have any actual, potential or perceived conflict of interest or personal interest in the outcome of the decision relating to that penalty notice, including:

- a) Where the penalty notice was issued to a relative, family member, business partner or friend of the person, or
- b) where the person's relative, family member, business partner or friend issued the penalty notice.

The Chairperson will be responsible for the overall administration of the panel, meeting scheduling and the conduct of its deliberations.

The review process has to be timely to avoid breaching the 'time to pay' provisions for PINs prescribed by the SDRO (21 Days).

Whilst Council will endeavour to review Representations in a timely manner, applicants will be responsible for the timely lodgement of individual representations so that the review process as outlined in this policy, does not breach the time allowed by the SDRO for payment to be made or the election of other courses of action by the applicant (eg: Court Elections).

Representations will be forwarded to the Panel Chairperson by Council's Record Services on a confidential basis. The Panel will consider all material submitted by the applicant in accordance with this Policy in an impartial, professional and ethical manner.

At all times the Panel members must comply with all relevant Council Policies, the Code of Conduct and all relevant statutory obligations of Council and its employees. Each Panel member is independent in terms of the decision he or she makes in relation to

## **INTERNAL REVIEW PROCEDURE**

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any representation considered by the Panel.

Each representation is to be considered on its own merits, with reasons for all decisions' to be fully documented by the panel and recorded on the corporate document system.

\*Voting on any particular matter is to be by 'Majority Rule'. In the event of a tied vote (that is one member declines or abstains) then, the PIN as written will stand.

\*The Manager, Governance and Legal Services or Equivalent (the Chairperson) will make a decision based on an objective assessment taking into consideration the advice of the Legal Services Coordinator or equivalent and the evidence supplied by the applicant.

The Panel (through the Chairperson) may request additional information before making a decision; however where possible such requests are to be kept to a minimum.

It is the responsibility of the person making the representation to provide all necessary documentation to support their claim in the first instance. Delays in requesting and receiving additional or supplementary information by the Panel will impact on the time allowed for the PIN to be dealt with by the SDRO.

Applicants should note that the Review by the Panel is separate from the SDRO processes and its associated provisions such as 'the time to pay', 'Court election' etc.

The Panel is to have regard to the following criteria when considering any request for a PIN to be reviewed:

- The decision to give a caution, rather than issue a penalty notice, requires the exercise of good judgment, involving an assessment of all the circumstances.
- Without limiting the discretion to give a caution, the matters that should be taken into account when deciding whether it is appropriate to give a person a caution instead of a penalty notice include:
  - - (a) The offending behaviour did not involve risks to public safety, damage to property or financial loss, or have a significant impact on other members of the public
    - (b) The officer has reasonable grounds to believe that the person has a mental illness or intellectual disability;
    - (c) The officer has reasonable grounds to believe that the person is homeless
    - (d) The officer has reasonable grounds to believe that the person is under 18
    - (e) The officer has reasonable grounds to believe that the person has a special infirmity or is in very poor physical health
    - (f) The offending behaviour is at the lower end of the scale of seriousness for that offence or is minor in nature. For example, where there are signs prohibiting eating and drinking in a train carriage, and

## **INTERNAL REVIEW PROCEDURE**

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- (g) a person is observed eating a meal in a sensible and tidy manner  
The person claims on reasonable grounds that they did not knowingly or deliberately commit the offence
- (h) The person admits the offending behaviour and shows remorse; the person is cooperative and/or complies with a request to stop the offending conduct. For example, a person stops in a no parking zone for longer than the required time but does not leave the vehicle unattended and agrees to move the vehicle when directed.
- (i) There are other reasonable grounds for giving a caution in all the circumstances of the case. For example, the offence was committed because of a medical or other serious emergency, or the person is a visitor from interstate or overseas and was not aware that their conduct constituted an offence.

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

The outcome of each representation is to be communicated back to the applicant in writing within 3 days of the Panel's decision being made.

In instances where the Panel's decision is to Caution or No Action a PIN the SDRO is to be also notified in writing by the Chairperson within 3 days.

The Chairperson is to ensure a register is kept of all representations received and considered by the Panel each financial year including the decisions of the Panel. The Chairperson will ensure that a spread sheet is maintained each financial year showing:

- Each PIN reviewed, and
- The date, and
- The outcome and supporting reasons for the decision, and
- Any other information that may be prescribed by the General Manager from time to time.

**INTERNAL REVIEW PROCEDURE**

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**AUTHORISED BY**  
The General Manager

**EFFECTIVE FROM**  
Date

**REVIEW DATE**  
Date

**DEPARTMENT RESPONSIBLE**

## Attachment 4 - Request for Review of a Penalty Notice Form



Customer Service Centre 1300 36 2170  
 TTY 9821 8800  
 Web [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au)  
 ABN: 84 181 182 471

## Request for Review of a Penalty Notice

**Note:**

- Print clearly using BLOCK LETTERS in the space provided and tick the appropriate boxes
- If you do not provide supporting documents and if all sections are not completed, your application cannot be processed
- Providing false or deliberately misleading statement may lead to a prosecution under Section 307A of the Crimes Act 1900
- Refer to next page for detailed information on how to complete this form, and the evidence needed to support your request
- Please send your completed form to the Internal Review Panel, Liverpool City Council, Locked Bag 7064 Liverpool BC NSW 1871 or scan and email it to [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)

Penalty Notice No	<input type="text"/>	Date of offence	<input type="text"/> / <input type="text"/> /20
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Applicant Information			
Salutation: <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other			
Family Name:		Given Names:	
Postal address:			
Suburb:		State:	Postcode:
Licence No:	State of Issue:		Date of Birth:
Email:		Best Contact No:	

I am seeking review of the above penalty notice because: (attach additional pages if necessary)


Attached documentary evidence is	
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Signature	x	Date	/	/20
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**Important: See over the page for more information**

## How to Request for Review of a Penalty Notice

### Important information you need to know

- **Please print clearly in black pen.**
- If you do not **provide supporting documents** or complete all questions, your application **cannot be processed**. We are not required to review further if a review has already been conducted.
- Please do not send a request to have your penalty decided in court if you want Council to conduct a review. By law, we must stop a review and issue a Court Attendance Notice if we receive a request to have the penalty decided in court. If the outcome of your review is unfavorable, you have a further 28 days to tell us if you want to dispute the penalty in court.
- If requesting a review for the same reason for **multiple offences**, you may include all penalty numbers at the top of the form. Where the reason for requesting a review differs between offences, please complete a separate form for each.
- Post the completed form, together with all documentary evidence, to the Internal Review Panel, Liverpool City Council, Locked Bag 7064, Liverpool BC 7064 or scan and email to [icc@liverpool.nsw.gov.au](mailto:icc@liverpool.nsw.gov.au) **before the due date on the penalty or penalty reminder notice**.
- What happens next? Providing that your request was **received by the due date on the first penalty reminder notice, do NOT pay the fine**. Council will place the penalty on hold until we reply. If further evidence is required, you will be provided a further 14 days to supply it. You will be notified in writing of the outcome of your review. If the penalty still applies, you will receive a reminder notice advising your payment options and the due date for payment.

### Do NOT use this form if:

- **another person was responsible** for the vehicle at the time of the offence. Instead, send a statutory declaration naming the person in charge of the vehicle to the State Debt Recovery Office (SDRO). They will have the opportunity to request a review when a new penalty notice is sent to them.
- **you have received an enforcement order** for this penalty. Providing the penalty was issued according to law, you can only request a review of an enforcement order if you can prove you were hindered from acting before enforcement. If so, complete an annulment form which can be found at [www.sdoro.nsw.gov.au](http://www.sdoro.nsw.gov.au) to apply to have the fine decided in court.
- you cannot pay in full by the due date on the penalty reminder notice and are in receipt of government benefit, you can avoid extra costs by contacting the SDRO or submitting the Early enforcement to pay by installment form found on [www.sdoro.nsw.gov.au](http://www.sdoro.nsw.gov.au) **before the due date on the penalty reminder notice**.
- you are seeking leniency because you are of **'good character'**. Council has NO authority to review your penalty for this reason.

### What evidence do I need to supply to support my request?

For full details of what evidence to supply in support of your claim, refer to the LCC Review Guidelines. Some examples include:

- **Faulty meter/ticket machine** – provide the fault reference number when you phone to report the meter faulty, the time the machine was used and the method of payment, as well as what happened.
- **Medical emergency** – documentary evidence of the incident confirming it was an emergency from a recognised medical authority/hospital.
- Valid **Mobility Parking Scheme Permit** held – copy of both sides of your valid card displayed in the purple Australian permit holder (if it the first offence only).
- Valid **Parking Permit (residential/visitor/other)** held – copy of your valid permit, clearly showing the permit number and expiry date.
- **Unregistered / uninsured vehicle** – proof of registration / insurance.

#### Liverpool City Council contact details

Phone: 1300 36 2170  
8.30 am – 5.00 pm, Mon to Fri  
Fax: 9821 9333

#### State Debt Recovery Office contact details

Phone: 1300 138 118  
PO Box 786  
Strawberry Hills NSW 2012  
Email: [www.sdoro.nsw.gov.au](http://www.sdoro.nsw.gov.au)

#### Mail payments only:

State Debt Recovery Office  
PO Box 4444  
Parramatta NSW 2124

#### Privacy statement

Information collected from you for the purpose stated on this form may be provided to third parties with your consent or as required or permitted by law.

Request for review

Printed on 17 October 2012

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## LIVERPOOL CITY COUNCIL

### CITY SERVICES REPORT

#### ORDINARY MEETING

05/11/2012

<b>ITEM NO:</b>	<b>CITS 03</b>	<b>FILE NO:</b>	<b>2012/0294</b>
<b>SUBJECT:</b>	<b>PARKING ENFORCEMENT POLICY</b>		
<b>COMMUNITY STRATEGIC PLAN REFERENCE:</b>	<b>THE COMMUNITY IS SUPPORTED BY A WELL MANAGED AND RESPONSIVE COUNCIL</b>		

#### EXECUTIVE SUMMARY:

At its meeting held on 8 October 2012, Council resolved the following:

*That Council:*

1. *Review other Councils' Parking Enforcement Policies, with a view to adopt a policy which permits parking on rolled back kerbing such as Parramatta Council's Parking Policy.*
2. *Utilise working funds if funds are required.*

Council adopted its current policy, the Issuing Penalty Infringement Notice Policy, in July 2010. This policy has been reviewed and is being put to Council for adoption. The proposed Policy provides enforcement guidelines, sets standards for enforcement officers and defines specific enforcement programs undertaken by Council.

This policy does not permit parking on rolled back kerbing. However, it defines acceptable use of discretion when addressing such parking, as per the legal advice obtained.

This report recommends that Council adopts the proposed Penalty Infringement Notice Policy.

#### DETAILED REPORT:

At its meeting held on 8 October 2012, Council moved to review other councils' parking enforcement policies; in particular, the policy adopted by Parramatta City Council and adopt a similar policy. Council adopted its current policy 'Issuing Penalty Infringement Notice Policy' in July 2010.

A new policy, consistent, but more detailed than the existing similar policies adopted by other councils, including Parramatta City Council, has now been formulated and is attached. The proposed policy establishes clear guidelines for enforcement officers when issuing Penalty Infringement Notices.

Council also sought legal advice in relation to vehicles parked on the footpath/nature strip area in streets with roll-top kerb and gutter, consistent with the Parking Enforcement Policy adopted by Parramatta City Council. The legal advice obtained states that the law in relation to the parking of vehicles on the footpath/nature strip area, is contained within the NSW Road Rules 2008, in particular, Rule 197, which states:

197 Stopping on a path, dividing strip, nature strip or painted island

- (1) A driver must not stop on a bicycle path, footpath, shared path or dividing strip, or a nature strip adjacent to a length of road in a built-up area, unless:
  - (a) the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Rules, or
  - (b) the driver is permitted to stop under another law of this jurisdiction.

Footpath is defined in the NSW Road Rules 2008 and means “an area open to the public that is designated for, or has as one of its main uses, use by pedestrians.”

Nature Strip is also defined in the NSW Road Rules 2008 and means “an area between a road (except a road related area) and adjacent land, but does not include a bicycle path, footpath or shared path.”

Built up area in relation to a length of road, means “an area in which either of the following is present for a distance of at least 500 metres or, if the length of road is shorter than 500 metres, for the whole road:

- (a) buildings, not over 100 metres apart, on land next to the road,
- (b) street lights not over 100 metres apart.”

In addition, the legal advice states that although it is illegal for vehicles to park on nature strips and footpath areas as per the above Rule 197, Council officers are able to exercise discretion in deciding whether or not to issue a Penalty Infringement Notice when enforcing the above road rules. Examples of officers exercising discretion include where vehicles do not obstruct pedestrians, do not cause damage to Council's infrastructure, are not located within a school zone during school zone times and do not pose a safety risk. No discretion will be shown with heavy or long vehicles posing a safety risk.

Council's previous policy was a relatively short document which contained a minimum of requirements for issuing Penalty Infringement Notices. The proposed policy does not restrict itself to Parking Infringement Notices only, but includes all Penalty Infringement Notices issued by Council.

Overall, the proposed Policy is a comprehensive and detailed instruction to carry out the enforcement functions associated with Penalty Infringement Notices.

**FINANCIAL IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That Council adopts the proposed Penalty Infringement Notice Policy.

**SIGNED BY:**

**Paul Scully**  
Acting Director  
City Services

**Attachments**      Penalty Infringement Notice Policy

**Attachment 1 - Penalty Infringement Notice Policy**



# Liverpool City Council

## **PENALTY INFRINGEMENT NOTICE POLICY**

**ADOPTED:**

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## **PENALTY INFRINGEMENT NOTICE POLICY**

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## **PENALTY INFRINGEMENT NOTICE POLICY**

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### **1. BACKGROUND**

Liverpool is recognised as the third largest Council within the Sydney Metropolitan area and the demand for parking and amenity across the Local Government Area is a constant need which requires a practical solution and commonsense approach to manage.

In February 2010 Council adopted the CBD Parking Strategy to address a range of issues prevalent within the City Centre. However, as the population increase, parking in and around the remainder of the Local Government Area (LGA) is also beginning to feel the impact. Release areas were developed with narrow streets that are now becoming congested as more people try to park more vehicles. Schools are also placed in these areas, and during peak times, traffic flow virtually ceases. In addition to the traffic issues, other unlawful activities also occur within the LGA which at times require enforcement by Council's Enforcement officers.

Council's Enforcement and Parking Unit is tasked with enforcing a large range of legislation relating to diverse matters within the whole of the LGA. As a result, Council needs to ensure enforcement occurs reasonably, consistently and within the parameters set by Law.

This Policy outlines both the enforcement options available to the City of Liverpool and the factors that will be taken into account when the Enforcement officers are required to determine what enforcement action is appropriate in the given circumstances. The Policy is designed to ensure that the decision making process followed by the Enforcement officers is carried out in the public interest and is transparent, fair, efficient and consistent.

### **2. DEFINITIONS**

The following definitions are applicable where contained within this Policy.

- **Council** means Liverpool City Council.
- **OSR** means Office of State Revenue.
- **SDRO** means the State Debt Recovery Office
- **Enforcement Officer** means a Council Ranger, Parking Patrol Officer or Authorised Officer granted appropriate delegated authority under the Local Government Act 1993.
- **PIN** means Penalty Infringement Notice.
- **RMS** means the Roads and Maritime Services.

## **PENALTY INFRINGEMENT NOTICE POLICY**

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### **3. PURPOSE/OBJECTIVES**

The purpose and objectives of this Policy are:

- To establish clear guidelines for all Enforcement Officers when issuing Penalty Infringement Notices.
- To ensure that the regulatory functions are exercised consistently and without bias and in accordance with Council's obligations under the Local Government Act 1993.
- To provide the community with a practical, convenient and equitable environment in accordance with legislative requirements.
- To ensure that parking areas including metered and time specific parking locations are adhered to so that as many people as possible have equal access to parking areas and spaces allowing an economic benefit to shop owners/keepers through a greater turnover of customers.
- To achieve the best possible traffic management, public safety and environmental outcomes for Liverpool's residents, workers, visitors and business operators.
- To effect change in the unlawful behaviour of offenders to ensure that the safety and well-being of the entire community is maintained throughout the Liverpool Local Government Area.
- To apply a fixed penalty amount in accordance with offences committed, as set by the Office of State Revenue.
- To ensure that all alleged offences are recorded accurately and photographic evidence is practically available for **all** issued PINs as a means of substantiating all offences committed.
- To provide persons issued with a PIN an avenue of natural justice in obtaining photographic evidence in accordance with Council's Request for Photographs form.
- To ensure that all evidence, including photographic evidence, is securely stored and managed in accordance with privacy and other legislative principles.

## **PENALTY INFRINGEMENT NOTICE POLICY**

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### **4. POLICY STATEMENT**

This Policy defines the standards and expectations set by Council, for the exercise of all duties, functions and responsibilities of Enforcement Officers involved in providing any Regulatory Service in the Liverpool LGA.

This Policy provides standards and direction to ensure that all regulatory functions undertaken on behalf of Council are undertaken in a manner that reflects Council's Corporate Values, whilst complying with Council's Code of Conduct.

Enforcement Officers have a statutory obligation to enforce the legislation conferred upon Council, such as Roads and Environmental laws. Such enforcement actions may include verbal or written warnings and directions, issuing penalty infringement notices for certain offences or undertaking further legal action for serious and recalcitrant breaches of law.

Enforcement Officers uphold the law to ensure that public safety is maintained, and that Community, Council and Society expectations are achieved.

This Policy establishes clear and lawful guidelines when exercising regulatory functions by:

- Providing enforcement options which ensure a consistent, impartial and fair application of the law.
- Providing guidance for Enforcement Officers in their use of discretion.
- Providing clear and concise guidelines, which are consistent with guidelines issued by the Attorney General
- Providing a determined set of standards for Enforcement Officers, including behaviour, dress and application of the law whilst performing regulatory functions on behalf of Council.
- Ensuring that all Warnings, Penalty Infringement Notices, Notices, Orders and reports are correctly recorded within Council systems and contain all the necessary elements to establish the alleged breach.

## **PENALTY INFRINGEMENT NOTICE POLICY**

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### **5. LEGISLATION / GUIDELINES**

This Policy Document relies on the provisions contained by not limited to the following Acts, Regulations and Guidelines

- Local Government Act 1993
- Road Rules 2008
- Road Transport (General) Act 2005
- Roads Act 1993
- Protection of the Environment Operations Act 1997
- Impounding Act 1993
- Companions Animals Act 1998
- Environmental Planning and Assessment Act 1979
- Sydney Water Act 1994
- Fines Act 1996
- Privacy and Personal Information Protection Act 1998
- Government Information (Public Access) Act 2009 and

Any Regulations made and in-force under the above listed Acts.

#### Statutory Instruments

- *General Disposal Authority* – Local Government Records (GDA 10); and
- *Internal Review Guidelines under the Fines Act 1996* as issued by the Attorney General
- *Liverpool Local Environmental Plan LLEP 2008*
- *Liverpool Development Control Plan DCP 2008*
- *State Environmental Planning Policy SEPP*

### **6. RELATED DOCUMENTS**

This Policy relates to the following Council Policies:

Enforcement Policy – adopted 7 February 2011  
 Animal Management Policy – adopted 14 June 2005  
 Code Of Conduct – amended 18 April 2011  
 Complaints Handling Policy – reviewed 19 July 2010  
 Liverpool CBD Parking Strategy – adopted 15 February 2010

## **PENALTY INFRINGEMENT NOTICE POLICY**

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### **7. ENFORCEMENT ACTION**

#### **7.1 General**

To adequately address regulatory issues such as public safety, turnover of vehicles and traffic congestion, Council's Enforcement Officers need to provide a constant and consistent presence as a reminder and the need to obey these various legislations. Penalty infringement notices form an integral part of enforcing legislative provisions contained in the various legislation administered by Council Officers. It is recognised that Penalty Infringement Notices do not bode well for an alleged offender; however, are generally supported by the Community as an enforcement tool.

An Enforcement Officer has a range of options available to them to enforce the law. This includes discussion, verbal and written warnings, issuing Penalty Infringement Notices or taking no further action due to lack of documentary evidence of the offence, issuing other Council Notices and Orders, directing a person to cease specified activities, as well as instigating legal proceedings by way of Court Attendance Notices.

An Enforcement Officer undertaking their duties and functions is to be consistent with Law, Council Policy and their own work ethic. This includes adhering to directions issued by the Attorney General and the Department of Local Government. An Enforcement Officer needs to consider the gravity of their decisions and apply discretion appropriately and within guidelines.

Enforcement Officers must represent the law, Council and themselves in a manner that instills confidence within the community. It is understood that Enforcement is not popular; however, the Officers should still conduct themselves in a way that does not bring them into disrepute.

The Enforcement Officers will at all times carry themselves and their application of the law in an honest, ethical, moral and consistent manner, reflecting Council's image in a positive way through excellent customer service and professionalism.

All Official Cautions and Penalty Infringement Notices will be issued electronically on Council's equipment and uploaded into Council's PinForce system as soon as practical.

#### **7.2 Delegation**

An Enforcement Officer will ensure that they possess the necessary and required Delegation of Authority prior to commencing any duty, including but not limited to, any enforcement action. The Delegation of Authority must be issued by the General Manager, must be current and must contain all relevant laws and statutes required for enforcement purposes. It is the responsibility of the Enforcement Officer to ensure they are appropriately delegated prior to commencing duty.

## **PENALTY INFRINGEMENT NOTICE POLICY**

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### **7.3 Dress**

An Enforcement Officer is provided with a full Council uniform. Whenever an Enforcement Officer is on duty, they will be properly dressed in full working uniform, which is kept clean and is free of damage. The uniform represents the Council and will be worn in a way that alerts the public and Council staff to the Officers' position. The Officers will wear their uniform with pride, and will maintain their uniform in an appropriate manner.

The uniform will be replaced as required. However, any misuse, or unreasonable wear and tear will result in the replacement costs being borne by the Officer.

All Personal Protective Equipment (PPE) which is also supplied by Council, will be adequately maintained and replaced as required. It is the responsibility of the Enforcement Officer to ensure they have the required PPE to conduct their duties. The type of PPE will vary depending on the work being performed.

Exceptions to the uniform may be provided for approved undercover and surveillance work. However, these exemptions will only be granted for operational reasons, and require prior approval from the Manager, Enforcement & Parking.

### **7.4 Behaviour**

An Enforcement Officer will comply with Council's Code of Conduct, the Law, Policies and Procedures and lawful directions at all times.

Council's Enforcement Officers will:

- be polite, courteous, impartial, fair and equitable
- remain diligent and behave in a manner above reproach
- protect themselves and other staff members whilst on duty
- exercise discretion whilst carrying out the enforcement duties
- give their entire time to the business of Council whilst on duty
- obey all applicable laws in the course of their duty, unless exempt by law
- not seek fear or favour in the course of their duty
- walk away from a potential conflict and or dangerous situation where possible
- be firm without being overly officious

## **PENALTY INFRINGEMENT NOTICE POLICY**

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### **7.5 Discretion**

An Enforcement Officer will assess each situation based on the Guidelines supplied by the Attorney General's Department under the Fines Act 1996. The guidelines specify circumstances whereby an Officer may issue a Caution in lieu of a PIN depending on the circumstances and severity of the incident.

The Guidelines state:

- The decision to give a caution, rather than issue a penalty notice, requires the exercise of good judgment, involving an assessment of all the circumstances.
- Without limiting the discretion to give a caution, the matters that should be taken into account when deciding whether it is appropriate to give a person a caution instead of a penalty notice include:
  - (a) The offending behaviour did not involve risks to public safety, damage to property or financial loss, or have a significant impact on other members of the public
  - (b) The officer has reasonable grounds to believe that the person has a mental illness or intellectual disability;
  - (c) The officer has reasonable grounds to believe that the person is homeless
  - (d) The officer has reasonable grounds to believe that the person is under 18
  - (e) The officer has reasonable grounds to believe that the person has a special infirmity or is in very poor physical health
  - (f) The offending behaviour is at the lower end of the scale of seriousness for that offence or is minor in nature. For example, where there are signs prohibiting eating and drinking in a train carriage, and a person is observed eating a meal in a sensible and tidy manner
  - (g) The person claims on reasonable grounds that they did not knowingly or deliberately commit the offence
  - (h) The person admits the offending behaviour and shows remorse; the person is cooperative and/or complies with a request to stop the offending conduct. For example, a person stops in a no parking zone for longer than the required time but does not leave the vehicle unattended and agrees to move the vehicle when directed.
  - (i) There are other reasonable grounds for giving a caution in all the circumstances of the case. For example, the offence was committed because of a medical or other serious emergency, or the person is a visitor from interstate or overseas and was not aware that their conduct constituted an offence.
- The fact that one or more of these factors is present does not mean that the officer is obliged to issue a caution. 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.

## **PENALTY INFRINGEMENT NOTICE POLICY**

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### **7.6 Evidence**

An Enforcement Officer, wherever possible, shall endeavor to obtain a digital image of any alleged offence of any Council administered legislation as a means of documenting the Officers' observations.

The image may be used as corroborative evidence in a Court of Law.

All photographs (including digital images) taken will be stored in a secure environment, and access will only be available to authorised personnel for authorised purposes. The storage and disposal of evidence will be in accordance with General Disposal Authority – Local Government Records (GDA 10) and in compliance with the Personal and Privacy Protection principles.

A person issued with a PIN may request a copy of any applicable photograph taken. The person must complete Council's *Request for Photograph* form and pay the applicable fee (if any).

Prior to issuing any form of warning, Penalty Infringement Notice, other Council Notices/Orders or instigating legal proceedings, an Enforcement Officer must ensure that he/she has established a *prima facie* case, meaning that all of the required elements of the offence are made out.

An Enforcement Officer, when required, will attend Court and appear as a witness on behalf of Council. The Officer will adhere to Courtroom etiquette, and conduct themselves as a credible witness. The Officer will ensure that all relevant information is available and a brief of evidence is provided to the Team Leader, Enforcement and Parking, or their delegate prior to the Court date. This information has to be completed within the appropriate timeframe, to avoid the matter from being withdrawn.

### **7.7 Service of Penalty infringement Notices**

A Penalty Infringement Notice, once issued, must be served. The Road Transport (General) Act 2005 states that a penalty notice may be served personally or by post. For parking offences where applicable, an Enforcement Officer may leave a Penalty infringement Notice under the front wiper of a vehicle. Alternatively, the Enforcement Officer may send the penalty Infringement Notice to registered owner of the offending motor vehicle.

### **7.8 Cessation of Enforcement Action**

Where it comes to the attention of the Enforcement Officer, or any other Authorised Officer, that there is a deficiency contained within a Penalty Infringement Notice, or the Notice was issued contrary to law, the Officer must cause the Penalty Infringement Notice to be cancelled, or if the matter is before the Court, must cause the matter to be withdrawn.

## **PENALTY INFRINGEMENT NOTICE POLICY**

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### **8. SPECIFIC ENFORCEMENT PROGRAMS**

From time to time, Council Officers develop, implement or participate in specific programs related to targeted enforcement outcomes. Listed are the current programs undertaken by Enforcement Officers:

#### **8.1 School Zones**

Enforcement Officers, as well as the NSW Police Highway Patrol are tasked by the RMS to conduct specific enforcement in designated School Zone areas.

The attitude of the legislators was clearly demonstrated when changes were made to the demerit point scheme, which allows Council Officers to issue Penalty Infringement Notices for parking offences in school zones, which now attract demerit points.

Approved review guidelines are published and provide a disclaimer which states:

*"Leniency will generally not be considered for certain offences where safety is an issue. These include demerit point offences in school zones."*

Council's Enforcement Officers work closely with the NSW Police, RMS, and Council's Road Safety Officer. Council's Enforcement Officers, at the beginning of each school year, provide an education campaign at most schools within the Local Government area. After the education period, an enforcement campaign to target illegal parking within defined school zone areas is undertaken.

#### **Procedure:**

- 1 Where an Enforcement Officer detects an offence within a School Zone, the Officer obtains photographic evidence.
- 2 In the first instance, the Enforcement Officer should make reasonable attempts to move the offending motorist away from the area.
- 3 An Enforcement Officer should not verbally engage with an offending motorist, as this causes the offending behaviour to continue, which jeopardises the safety of School Children.
- 4 Unless exceptional circumstances exist, the Enforcement Officer will post a Penalty Infringement Notice to the registered owner of the vehicle, obtained from records held by the Roads and Maritime Services.

## **PENALTY INFRINGEMENT NOTICE POLICY**

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### **8.2 Mobility Parking Scheme**

The Mobility Parking Scheme (MPS) provides parking concessions to people with mobility disabilities.

Roads and Maritime Services (RMS) issues a licence-style card that includes the cardholder's photograph, and other security features such as a hologram and a 'ghost' photo image. Proof of identity is required to ensure only eligible people receive a card.

Council's Enforcement Officers are very proactive in administering the enforcement provisions for the misuse of the Mobility Parking Scheme. In 2011, Liverpool was ranked third in New South Wales for catching out Mobility Parking cheats.

With the introduction of parking meters, Liverpool has seen a sharp increase in the amount of vehicles displaying a Mobility Parking Permit. The Permit allows motorists to circumvent time restrictions, as well as not having to pay for parking.

The main type of misuse relates to motorists using Mobility Parking Permits which belong to family members. A loophole in the scheme allows the holder to report a permit lost or stolen. The lost or stolen permit is revoked by the RMS and a new permit is issued. However, the 'lost or stolen' permit is given to another person, who displays the permit and obtains free unrestricted parking. The permit appears valid as it still displays an expiry date up to five years in the future.

Enforcement Officers are now able to conduct checks on their electronic devices to determine the validity of permits. If a permit has been revoked, the device will display a message to the Enforcement Officer, alerting them to the revoked status. The Enforcement Officer is then able to take appropriate enforcement action in relation to the parking and the misuse of the permit. An Enforcement Officer is also able to confiscate a revoked or misused permit, if the driver is present.

#### **Procedure:**

- 1 Enforcement Officers will check all Mobility Permits against the database of revoked permits as provided on their electronic devices.
- 2 If the permit is reported as revoked, the Enforcement Officer will obtain photographic evidence of the permit, as well as the offending vehicle.
- 3 The Enforcement Officer will notify the driver, by way of notice, that RMS records indicate the permit to be revoked, and the permit is being misused for the purposes of which it was issued. The Notice also directs the driver to return the revoked permit to the RMS.
- 4 The Enforcement Officer then issues a Penalty Infringement Notice for the parking offence, and a second Penalty Infringement Notice is issued to the driver for misuse of the permit.
- 5 The Enforcement Officer completes the template report and submits the report to the RMS. If confiscated, the revoked permit should accompany this report.

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### **8.3 Heavy / Long Vehicles Parked in a Built-Up (Residential) Area**

The issue of illegal truck parking in Liverpool's Local Government area is the subject of concern for residents, which is reflected in the number of complaints received by Council.

Under NSW Traffic law, large trucks and heavy vehicles are prohibited from parking in built-up areas (including residential areas) for any period longer than one hour.

A heavy / long vehicle is defined as a vehicle that has a Gross Vehicle Mass (GVM) greater than 4.5t, and / or longer than 7 metres.

Heavy / long vehicles parking on residential streets cause impact to the amenity of the area by:

- impeding traffic flow.
- causing dangerous situations i.e. reducing visibility etc.
- noise effects, particularly in the early morning.
- damage caused to residential infrastructure.

Enforcement Officers respond to numerous complaints in relation to these vehicles, and run specific programs to target these vehicles throughout the year. Penalty Infringement Notices are issued for most offences relating to heavy / long vehicles, as the drivers of these vehicles have been determined by the RMS to be professional drivers, and are expected to know the provisions related to the use of heavy / long vehicles and all restrictions imposed.

#### **Procedure:**

- 1 Where an Enforcement Officer detects a heavy / long vehicle parked in a built up area for a period longer than one (1) hour, the Officer will prepare a Penalty Infringement Notice and post the Notice to the registered owner of the vehicle, obtained from records held by the Roads and Maritime Services.
- 2 Subsequent patrols will continue, and further detected breaches will result in further Penalty Infringement Notices being issued.
- 3 Should a vehicle be in receipt of more than three Penalty Infringement Notices in a 12 month period, an Enforcement Officer may prepare and serve a Court Attendance Notice, in lieu of a Penalty Infringement Notice.
- 4 Any further detected breaches will result in Court Attendance Notices being prepared and served on the registered owner of the vehicle, until such time as the vehicle complies with the Road Rules.

#### **Reference:**

NSW Road Rules 2008, Rule 200