

**6.1 UNRECOVERABLE PARKING INFRINGEMENTS WRITE-OFF**

**Attachments:** 1. FER Write-Offs 2021\_2022 - Confidential

**RECOMMENDATION:**

That Council **APPROVES** the write off of Parking Infringement Notices totalling \$170,119.65 that have been withdrawn by the Fines Enforcement Registry, as identified within Attachment 1.

**PURPOSE OF REPORT:**

To consider the write-off of Parking Infringement Notices that the Fines Enforcement Registry have advised are unrecoverable for the 2021/2022 financial year.

**BACKGROUND:**

Ranger Services issue infringement notices for contraventions of various Local Laws as well as the *Dog Act 1976* and the *Litter Act 1979*. In particular, where such Parking Infringement Notices are not paid there is a specific legal procedure undertaken to ensure the ability for collection through the Fines Enforcement Registry. As a Section within the Department of the Attorney General the Fines Enforcement Registry specifically deals with unpaid fines from both State and Local Governments.

Where no payment has been made the City send a Final Demand Notice 35 days after issuing the initial infringement notice, and should payment still not be made by a specific due date the matter is lodged with the Fines Enforcement Registry. Offenders are then notified by the Registry that failure to make payment will result in loss of their Drivers or Vehicle Licence. In many cases, the alleged offender has moved address but has not updated his/her ownership details in the Department of Transport system and their Drivers Licence is suspended. As a Drivers Licence can be issued for a 5-year period this may not come to their attention until a new application which will not be processed until payment for the infringement notice has been received.

However, the Fines Enforcement Registry is sometimes unable to collect the infringement penalty with the most common reason being insufficient information on the vehicle ownership file limiting the ability to prove beyond reasonable doubt the identity of an offender. In these circumstances, the Registry recommends that the relevant Local Governments write-off the penalties as unrecoverable.

**DETAILS:**

It has been identified that 1,178 Parking Infringement Notices, valued at \$170,119.65 (refer to **Attachment 1**) have been withdrawn during the 2021/22 financial year, by the Fines Enforcement Registry as they will no longer be pursuing payment. The Fines Enforcement Registry advised that these Notices were withdrawn generally for the following reasons:

1. Insufficient details to enforce;
2. Offender deceased;
3. Uneconomical to enforce; and
4. Corporation/Business no longer operational.

While these infringements have been deemed unrecoverable and subsequently withdrawn by the Fines Enforcement Registry, it should be noted that a total infringement value of \$544,770.00 has been recovered and paid through the Fines Enforcement Registry for the period 1 July 2021 to 30 June 2022.

Rather than writing-off a number of these infringements under delegated authority, Administration has decided to submit the total list for this financial year period for Council's consideration in the interests of transparency.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Chief Executive Officer is delegated the power to waive, grant concessions or write off any amount of money owed to the City, pursuant to the *Local Government Act 1995*, Section 6.12(1). Under Council's Register of Delegations, Authorisations and Appointments the power to write-off debts relating to infringements is subject to the debt not exceeding \$270.00.

**RISK MANAGEMENT IMPLICATIONS**

Low: It is a statutory requirement to report matters approved under Delegation Authority to the Council, however Administration has opted not to exercise the delegation relating to the write-off of infringements in this instance.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

This does not contribute to any environmental sustainability outcomes.

**PUBLIC HEALTH IMPLICATIONS:**

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

Outstanding parking infringements to the amount of \$170,119.65 are recommended for write-off as the Fines Enforcement Registry has advised that these are unrecoverable.

**COMMENTS:**

It is acknowledged by Administration that the reconciliation of outstanding parking infringements contained within the City's Financial Management System and the Fines Enforcement Registry should have been provided to Council for their information at the completion of the 2021/22 financial year.

Administration has now implemented appropriate processes to ensure that outstanding parking infringements that have been lodged with the Fines Enforcement Registry, and are subsequently deemed non-recoverable and withdrawn by the Registry, will be provided to Council for their information in October following the completion of that relevant financial year.