

5.4.1 Unrecoverable Parking Infringements Write-Off

Ward:	Both	Date:	11 July 2016
Precinct:	All	File Ref:	SC210
Attachments:	1 – Table: Infringements for Write-Off		
Tabled Items:	Nil		
Reporting Officer:	P Morrice, Team Leader Ranger Administration G Garside, Manager Financial Services		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council:

APPROVES the write-off of Parking Infringement Notices totalling \$253,660.89 that have been withdrawn by the Fines Enforcement Registry, as identified within Attachment 1.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.

BACKGROUND:

Ranger and Community Safety 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:

Through a recent review undertaken by Ranger & Community Safety Services and Financial Services it has been identified that since the inception of the City of Vincent there has never been a full reconciliation conducted between the status of outstanding infringements contained within our Financial Management System (Authority) and the Fines Enforcement Registry.

A complete reconciliation of outstanding parking infringements has now been completed, and it has been identified that 2,249 Parking Infringement Notices valued at \$253,660.89 remain outstanding within Authority whereas the Fines Enforcement Registry have withdrawn them and will no longer be pursuing payment. These Notices have generally been withdrawn for the following reasons:

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

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

While these infringements have been deemed unrecoverable and subsequently withdrawn it should be noted that since the City began lodging Parking Infringement Notices with the Fines Enforcement Registry a total of 28,582 infringements have been fully paid totalling \$4,228,335.30.

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 Delegated Authority Register 2016/17 the power to write-off debts relating to infringements is subject to the debt not exceeding \$250.00.

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 write-off of infringements in this instance.

STRATEGIC IMPLICATIONS:

The recent audit and reconciliation of outstanding parking infringements aligns with the City's *Strategic Plan 2013-2023* where Objective 4.1.2 (a) states:

"4.1.2(a) Continue to adopt best practise to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Outstanding parking infringements to the amount of \$253,660.89 are recommended for write-off as the Fines Enforcement Registry has advised that these are unrecoverable. Notably, the break-down of the value of these infringements by age is as follows:

6 – 10 years	\$106,185
11 – 15 years	\$100,052
16 – 20 years	\$47,424

An amount of \$115,000 has previously been provided for doubtful debts associated with parking infringements. The balance of \$138,660.89 has now been allowed for in the 2015/16 forecast.

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 previously been undertaken. Upon completion of the recent review it is apparent that these 2,249 Parking Infringement Notices recommended for write-off will no longer be pursued by the Fines Enforcement Registry, and therefore the associated \$253,660.89 outstanding infringements will not be paid.

Administration has now implemented appropriate processes to ensure that outstanding parking infringements lodged with the Fines Enforcement Registry, and subsequently deemed non-recoverable and withdrawn by the Registry, are reviewed and dealt with on a scheduled basis within Authority. These administrative processes will prevent such a situation being repeated. It should be noted that the City is currently awaiting information on non-recoverable infringements and/or recommendations for withdrawal from Fines Enforcement Registry for the period 2010-2016.