

8 RESOLUTION REGARDING PARKING INFRINGEMENT PENALTIES PURSUANT TO SECTION 87 OF THE ROAD SAFETY ACT

FILE REFERENCE INT1993269

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RECOMMENDATION

The Cardinia Shire Council resolves, in accordance with Section 87(4) of the Road Safety Act 1986, to fix the penalty for certain parking infringements according to the below table, "Prescribed parking infringement penalties":

Item No. Column 1	Code Column 2	Summary of parking infringement Column 3	Prescribed parking infringement reference Column 4	Infringement penalty Column 5
1	0701	Parking for longer than indicated	RR 205	0.5 penalty unit
2	0702	Parked—fail to pay fee and obey instructions on sign, meter, ticket or ticket-vending machine	RR 207(2)	0.5 penalty unit
3	0704	Stopped on a bicycle parking area	RR 201	0.5 penalty unit
4	0705	Stopped on a motor bike parking area	RR 202	0.5 penalty unit
5	0706	Parked contrary to requirement of parking area	RR 209(2)	0.5 penalty unit
6	0707	Parked—fail to comply with angle parking requirement	RR 210(1)	0.5 penalty unit
7	0708	Parked—fail to comply with 90° angle parking requirement	RR 210(1)	0.5 penalty unit
8	0711	Parked not completely within a parking bay	RR 211(2)	0.5 penalty unit
9	0712	Parked—long vehicle exceeding minimum number of bays	RR 211(3)	0.5 penalty unit
10	0713	Parked—wide vehicle exceeding minimum number of bays	RR 211(3)	0.5 penalty unit
11	0621	Stopped contrary to a no parking sign	RR 168(1)	0.5 penalty unit

The Cardinia Shire Council resolves that, for the purposes of Section 87 (4A) of the Road Safety Act 1986, the penalty specified in Column 5 of the table "Prescribed parking infringement penalties" is the penalty prescribed for the parking infringements in breach of the Road Safety Road Rules 2017 specified in Column 4 of the table, when the parking infringement occurs in the municipal district of Cardinia Shire Council.

Attachments

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| 1 Resolution Pursuant to Section 87 (4) and (4A) of the Road Safety Act, and Table:
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EXECUTIVE SUMMARY

The Road Safety Act and regulations create parking infringement offences, and authorise local government to enforce breaches of parking infringements.

The penalty for some infringements is set at 0.2 penalty units (\$33), but the Act allows Councils to fix higher penalties, up to 0.5 penalty units (currently \$83).

Cardinia SC resolved to do this in 2009, and must re-make the resolution due to the re-making of the Road Safety (General Regulations) 2019 and does not constitute a change of policy.

BACKGROUND

The Road Safety Act 1986, and the regulations, create parking infringement offences, and authorise local government officers to enforcement breaches of parking infringements, usually by issuing infringement penalties or by prosecution.

The Road Safety (General Regulations) indicates the infringement penalty amounts for parking infringements. Some offences have a default penalty of 0.2 penalty units (currently \$33), and the Road Safety Act allows Councils to fix penalties for these offences, up to a maximum amount of 0.5 penalty units (currently \$83).

Cardinia Shire Council has previously resolved to fix penalties of 0.5 penalty units.

With the expiry of the 2009 Road Safety (General Regulations), and the creation of the 2019 Road Safety (General Regulations), it is formally necessary for the Council to re-make this resolution and to re-fix penalties in the amount specified in the resolution.

Other parking offences with higher infringement penalties are not affected by this resolution.

It is submitted that the 0.5 penalty unit penalty for the relevant parking infringements is appropriate, having regard to:

- The prevalence and frequency of the infringement offences in the community, and
- To deter individual drivers from deliberately infringing the parking controls that are created to balance the needs of all road users, and
- To promote consistency with the past practice of Cardinia Shire Council, and consistency of practice with other metropolitan Councils.

POLICY IMPLICATIONS

The Council has previously fixed parking infringement penalties at 0.5 penalty units, under the previous Road Safety (General Regulations) 2009, as did most metropolitan Councils.

This resolution confirms the continuation of this policy.

RELEVANCE TO COUNCIL PLAN

This resolution supports Council Plan objectives to balance the needs of development, the community and the environment (3.5), by supporting the efficient and transparent distribution of parking resources among local road users who have competing needs.

CONSULTATION/COMMUNICATION

No consultation has occurred prior to this resolution. This resolution will continue to give effect to the previous decision of the Council.

FINANCIAL AND RESOURCE IMPLICATIONS

The making of this resolution has been assumed into current budget projections.

CONCLUSION

The recommended resolution is necessary to maintain the current infringement penalty amounts for the offences specified in the attachment, in line with the previous resolution of Council.

These infringement penalty amounts are consistent with the past practice of the Cardinia Shire Council and are consistent with the practices of other metropolitan Councils.

ATTACHMENT

Resolution in accordance with Section 87(4) of the Road Safety Act 1986

The Cardinia Shire Council resolves, in accordance with Section 87(4) of the *Road Safety Act 1986*, to fix the penalty for certain parking infringements according to the table "Prescribed parking infringement penalties" below.

The Cardinia Shire Council resolves that, for the purposes of Section 87 (4A) of the *Road Safety Act 1986*, the penalty specified in Column 5 of the table below is the penalty prescribed for the parking infringements in breach of the *Road Safety Road Rules 2017* specified in Column 4 of the table "Prescribed parking infringement penalties" below, when the parking infringement occurs in the municipal district of Cardinia Shire Council.

Item No.	Code	Summary of parking infringement	Prescribed parking infringement reference	Infringement penalty
Column 1	Column 2	Column 3	Column 4	Column 5
1	0701	Parking for longer than indicated	RR 205	0.5 penalty unit
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Table: Prescribed parking infringement penalties