

PARKING OPERATIONS



Access Canberra Framework

Part of Accountability
Commitment series

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Chief Minister, Treasury and Economic Development Directorate - CMTEDD

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IMPORTANT NOTE: This information is for guidance only.

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INTRODUCTION

Purpose

The purpose of this framework is to set out the objectives and general principles for compliance and enforcement activities undertaken by the Access Canberra Parking Operations Unit.

This framework outlines the risk-based approach to compliance with relevant legislation in the ACT and is intended to be a useful and transparent guide.

Key principles

Please refer to the Access Canberra Accountability Commitment as this sets out the principles that inform the decisions and regulatory action of Access Canberra. The Accountability Commitment is available online from www.accesscanberra.act.gov.au.

Risk-based – Access Canberra will apply a risk-based compliance approach to ensure resources are targeted to where the risks of harm, unsafe practices or misconduct are the greatest, thereby strengthening its capacity to take action where the community, workers and the environment are most at risk.

Strategic objectives

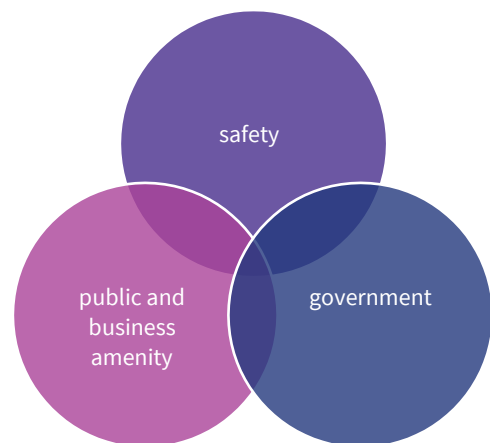
There are three strategic objectives central to the role of Parking Operations:

Safety – many instances of non-compliant parking activity pose significant safety risks to the community. Indeed, it is largely for safety reasons that parking is forbidden in certain areas under the Australian Road Rules. Unsafe parking can pose risks to pedestrians trying to cross roads and also to motorists who can face dangers such as impaired line of sight and unexpected hazards.

Public and business amenity – it is important parking regulations are enforced to ensure public and business amenity. This means disability parking is reserved for people with a disability, loading zones are kept free for deliveries for businesses, short term parking spaces provide for a turnover of customers for businesses, and residents have unobstructed access to and from their homes.

Government – the provision of paid parking by the ACT Government is on a user-pays basis. In doing so the ACT Government seeks to ensure equitable allocation of space and incentives for ACT residents to utilise alternative forms of transportation.

These strategic objectives are by no means mutually exclusive. For instance, motorists parking in an unsafe fashion are often doing so to avoid paying for parking, which affects government services. Unsafe parking such as parking across drive ways also restricts resident's access to homes. Motorists failing to pay for parking can mean other motorists and businesses are disadvantaged because patrons' access to their businesses is restricted.



The relationship between our Strategic Objectives

Legislative framework

The Australian Road Rules establish uniform rules for behaviour on roads and road related areas, including parking, throughout Australia.

The Road Rules are incorporated into ACT Law through section 6 of the [Road Transport \(Safety and Traffic Management\) Regulation 2000](#) (the Regulation).

The Regulation also contains laws specific to parking in the ACT that are not found in the Road Rules.

Compliance model

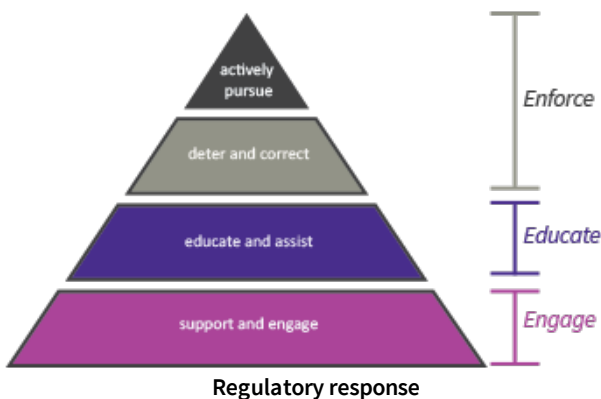
Engage, Educate, Enforce

Engage, educate and enforce are the three fundamental steps used by Access Canberra. Compliance is encouraged through education but escalating enforcement action will be applied to those whose conduct will, or is likely to, cause harm, or those who demonstrate a disregard for the law.

Engage means ensuring there is a positiveworking relationship with stakeholders and members of the public.

Educate means taking reasonable steps to ensure people know how to comply (e.g. through clear signage in parking areas, warnings ahead of major sporting fixtures or changes to parking conditions).

Enforce means taking action for non-compliance proportional to the harm caused by the conduct (e.g. issue warnings or Parking Infringement Notices (PINs)).



Approach to enforcement

Access Canberra operates on a risk-based compliance model.

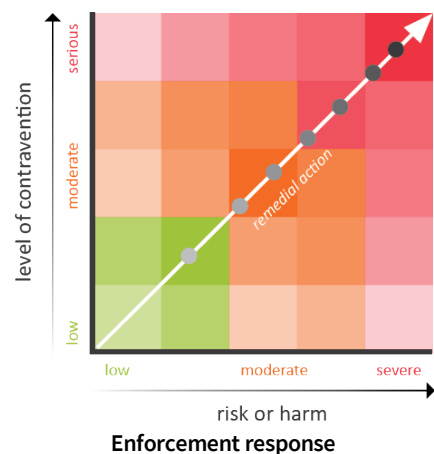
The risk-based compliance approach enables the targeting of resources to those areas where they are most needed and will be most effective. This approach involves a series of steps to identify and assess risks and to then apply the most appropriate regulatory tool to control the risk.

This means that **resource allocation** and **enforcement responses** are determined based on priorities determined through risk assessment.

Resource allocation – how compliance priorities are established, such as the frequency of proactive compliance activities and the prioritisation of complaints or allegations of non-compliance with the Act.

Enforcement responses – the appropriate enforcement response is also determined based on the risk, or realised consequences. This allows a degree of flexibility to ensure the right regulatory approach for the right situation. For example, an interstate driver who has unwittingly broken the law by parking on a nature strip should not receive the same penalty as someone who has parked in a designated disability zone without a permit. While both activities are illegal, their respective impact levels, as well as the level of culpability of the two offenders, are different.

Conduct which contravenes the legislation is considered on a case-by-case basis and with consideration given to the circumstances of the conduct. Access Canberra will apply the most appropriate regulatory tool to address the conduct and to achieve the desired regulatory outcome which, depending on the circumstances, may include: a warning or a Parking Infringement Notice (PIN).



EDUCATION

Like any regulatory regime, the optimal outcome for Parking Operations is voluntary compliance. Education, by Parking Officers, plays a key role in maximising compliance by ensuring lack of information is not a contributing factor to non-compliance. Education is also a way of pre-empting non-compliance as well as reinforcing norms regarding appropriate parking behaviour.

As part of its communication strategy, Access Canberra strives to deliver advice and education to relevant target audiences through a number of activities and tools, including newsletters, editorial/articles for industry publications including factsheets, social media such as Facebook and Twitter, advertising campaigns, web content and features at www.accesscanberra.act.gov.au. The Access Canberra online resources include numerous guides, brochures, factsheets and links to assist people ensure their actions comply with relevant laws.

**www.accesscanberra.act.gov.au -
Access Canberra online resources**

Education in response to recurring issues

Most driver education takes place prior to drivers receiving their licences, however just as education on persistent issues such as drink driving and driving over the speed limit are subject to ongoing education campaigns, common parking issues can also be addressed through general education.

When it is determined that recurrent illegal parking behaviour is occurring as a result of ignorance an education campaign may be considered to reinforce messages to change and prevent the behaviour from continuing. Examples might include offences over which there is a degree of confusion, such as whether it is legal to park on a nature strip. Education campaigns might include media releases by the Minister, mail-outs to residents, posts on social media or traditional media advertising.

Major changes to parking arrangements

Education is also important when there are major changes to established parking arrangements. This includes the introduction of paid parking in areas where parking was previously free of charge, changes to time limits, the opening of new parking areas and the closure or change in ownership of existing lots.

When there are changes to parking arrangements Parking Operations' standard procedure is to first send non-compliant motorists letters telling them of the changing circumstances, issue warnings to any vehicles found not to be compliant with the new arrangements in the days immediately after the change and issue infringement notices thereafter.

Education efforts can be targeted to the group or groups affected by such changes. Depending on the magnitude of the changes, there also needs to be a level of public notification through channels mentioned above.

COMPLIANCE MONITORING

Access Canberra compliance activities are aimed at ensuring positive outcomes for industry and the community.

Access Canberra carries out both proactive and reactive activities that are risk-based, with resources allocated based on the level of risk posed to the strategic objectives.

Monitoring compliance and investigating non-compliance is an important component of the compliance framework.

Proactive activities

The majority of monitoring undertaken by Parking Operations is proactive, identifying instances of non-compliance by motorists.

Proactive patrols are conducted at varying levels of intensity in different areas of the ACT depending on the level of risk posed to the strategic objectives of ensuring safety, public and business amenity and government.

...patrols are conducted at varying levels of intensity in different areas...

Reactive activities

Reactive monitoring relies on members of the public, businesses, or government agencies contacting Parking Operations and reporting non-compliant behaviour.

Whilst Parking Operations seeks to respond to every notification of illegal parking, reports are assigned priority based on the assessed level of risk (see below).

2 – Medium	Physical harm could conceivably result from the parking behaviour	There is partial obstruction of access to a residential or business premises	Deliberate and consistent efforts to undermine the paid parking system
	Examples: Parking on a nature strip blocking motorists' line of sight Vehicles parking on footpaths in areas with pedestrian traffic Parking outside of bays in an off road parking area	Examples: Parking partially across a driveway Parking in a loading zone without a permit Overstaying time limits in a high demand area	Example: Co-ordinated fee avoidance
1 – Low	Parking that is illegal but poses no material risk to safety	Parking that is illegal but does not materially obstruct public and business amenity	Parking that is illegal but does not constitute widespread or co-ordinated payment evasion
	Examples: Motorists parking on the nature strip but not blocking line of sight and not damaging street trees	Examples: Overstaying time limits where there is ample available parking	Examples: Parking without a valid ticket/ permit Parking with an expired meter

Parking Operations' timeframes for responding to complaints are listed below. These timeframes are a guide only. There may be an operational necessity to delay a response – for example when the parking behaviour complained about occurs at a specific day of the week or time of day. The problem may also require long term enforcement action in order to be resolved or require special planning.

<u>Risk level</u>	<u>Response timeframes</u>
High	Immediate – if no Parking Operations resources are available the police may be called
Medium	Within 2 business days
Low	Within 5 business days

The Access Canberra Customer Service policy states that public complaints about faulty Pay and Display Parking Machines will be responded to within 24 hours and faulty Pay and Display Parking Machines will be made operational again within 24 hours.

Risk level	Safety	Public and business amenity	Government
3 – High	The reported behaviour poses a potential risk of serious injury or death	Parking that completely and unreasonably obstructs access to a residential or business premises or is in a high priority restricted zone	Behaviour that places severe restrictions on the operation of paid car parks
	Examples: A large vehicle parking illegally close to an intersection, obstructing motorists' view of oncoming traffic Parking within the restricted area around a school crossing Blocking access for emergency services vehicles	Examples: Parking in a bus zone Parking across a driveway restricting access to/from a residence or business Parking without a permit in a mobility zone excluding access to parking for legitimate users	Examples: Vandalism of Pay and Display Parking Machines Use or production of fraudulent parking tickets or permits

DETERMINING APPROPRIATE ENFORCEMENT RESPONSES

Once a Parking Officer has identified that an offence has been committed the next step is to determine the appropriate enforcement response. Parking Officers are able to exercise a level of discretion, particularly when the behaviour in question poses a low risk. However, enforcement of legislative requirements is likely to occur in those situations where safety has been compromised.

Parking Officers are able to exercise a level of discretion...

Enforcement options

The available enforcement options for parking offences include:

Warnings/cautions – these are appropriate only when the level of risk posed by the behaviour is low and the motorist could reasonably claim ignorance of the applicable parking rule that has been breached, for example:

- > low risk offences where the offending motorist could reasonably claim ignorance regarding the rules;
- > in situations where for technical reasons a PIN cannot be issued but usually would be. Examples of this include where parking signs are damaged or missing;
- > within three days from the time inspectors begin inspecting a new area, or when parking arrangements have significantly changed; or
- > when a Parking Officer intercepts a motorist while an offence is being committed or if the motorist returns to his or her vehicle before a ticket has been issued. However, where a general restriction is applicable (for example, as indicated by a 'no stopping' sign or a mobility zone sign) a PIN may be automatically issued.

Parking Infringement Notices (PINs) – are the same as 'on the spot fines' and constitute a financial penalty for an offence. The requirements for issuing PINs are established in the [Magistrates Court Act 1930](#). This is a measure designed to deter non-compliant behaviour.

Circumstances in which it would not be appropriate to issue a PIN include when:

- > a vehicle has stopped for reasons beyond the driver's control. For example, when it has broken down or when there is an emergency affecting one of the occupants meaning stopping is unavoidable; or
- > an emergency services vehicle, or other official vehicle, is parked whilst on official duties.

Other options - when the behaviour poses an ongoing risk (for example, a vehicle is parked in a highly unsafe manner with no sign of the owner) or appears to have been abandoned, the vehicle may be towed away.

Parking Officers work on the basis of the **differential principle**, which is the provision of higher penalties for behaviour that has a more severe impact. Rather than there being a single penalty for all forms of illegal parking, there is a higher penalty for offences such as parking in a disabled space without a permit.

The differential principle is largely reflected in the standard penalties for different offences. For example, parking in a disability zone without a permit attracts a higher fine than parking without a valid pay-and-display ticket. In certain circumstances Parking Officers are able to exercise discretion in their response to an offence where the impact is low.

POWERS HELD BY PARKING OFFICERS

Parking Officers are authorised under section 19 of the [Road Transport \(General\) Act 1999](#) (the Act). Under sections 24 and 36 of the Act Parking Officers are authorised to issue infringement notices for parking-related offences identified in the road transport law. They also have the power to mark vehicle tyres under section 101C of the [Road Transport \(Safety and Traffic Management\) Regulation 2000](#) (e.g. with chalk) for the purpose of enforcing parking regulations.

A Parking Officer cannot, whilst on patrol, withdraw an infringement notice once it has been printed. While carrying out their duties Parking Officers must carry photographic identification cards.

...Parking Officers are authorised to issue infringement notices for parking-related offences...

REVIEW OF PARKING FINES

Any person who receives a parking fine is entitled to seek a review. Review of the issuing of a fine is done with regard to published withdrawal guidelines (see the link below).

Illegal parking does occasionally occur due to unavoidable situations such as emergencies. If a PIN has been issued in these circumstances it is reasonable that it should be withdrawn. However, for this to occur appropriate evidence must be presented with the appeal application.

Example situations	Evidence required
Medical emergency or service emergency	Documentation from a medical practitioner or hospital and confirmation of the service emergency event
Vehicle break down	A completed Statutory Declaration, a towing receipt and/or proof of repairs (e.g. receipts/invoices, NRMA callout documentation, etc.)
Stolen vehicle	Reference number of corresponding Police report
Driver detained by the police	Documentation from the Police

A complete list can be found in the Road Transport (General) Withdrawal of Infringement Notices Guidelines 2012 (No 1) (<http://www.legislation.act.gov.au/di/2012-246/current/pdf/2012-246.pdf>).

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APPENDIX 1: RELEVANT LEGISLATION

- [*Road Transport \(General\) Act 1999*](#)
- [*Road Transport \(General\) Regulation 2000*](#)
- [*Road Transport \(Safety and Traffic Management\) Act 1999*](#)
- [*Road Transport \(Safety and Traffic Management\) Regulation 2000*](#)
- [*Road Transport \(Offences\) Regulation 2005*](#)

The ACT Government also periodically issues guidelines, determinations and delegations in the form of Notifiable Instruments and Disallowable Instruments. To access any parking legislation visit: <http://www.legislation.act.gov.au>.

APPENDIX 2: OFFENCES

Please note, this list is intended for use as a guide only and is not exhaustive.

Note: there are general exemptions for emergency vehicles and vehicles that have stopped due to reasons beyond the driver's control.

Code	Infringement description	Exemptions
301	Disobey No Stopping sign	Nil
302	Disobey No Parking sign	Where there are times specified, outside of those times
306	Stop on/near intersection (no traffic lights)	Nil
307	Stop on/near children's crossing	Where there are times specified, outside of those times
308	Stop on/near pedestrian crossing	Nil
314	Stop in loading zone	Where there are times specified, outside of those times
315	Stop in loading zone longer than 30 mins	Where the time allowed is greater than 30 minutes
319	Stop in taxi zone	Where there are times specified, outside of those times
321	Stop in bus zone (not clearway/transit lane/bus lane)	Where there are times specified, outside of those times
328	Stop in shared zone	
336	Stop on path/strip in built-up area	Only when special permission is expressly granted
337	Stop on/across driveway/other access to/from land	Nil
342	Disobey motorbike parking sign	Nil
343	Stop in parking area for disabled	Nil
344	Park continuously for longer than permitted	Where there are times specified, outside of those times
345	Not parallel park in direction of travel	Nil
349	Parallel park close to dividing line/strip	Nil
351	Park so as to obstruct vehicles/pedestrians	Nil
361	Not park wholly within parking bay	Nil
362	Use more parking bays than necessary	Nil
365	Park after meter expired	Where there are times specified, outside of those times
370	Park outside ticket space	Nil
371	Park without current/current equivalent ticket displayed/properly displayed	Where there are times specified, outside of those times
372	Park after ticket expired	Where there are times specified, outside of those times
378	Display changed/damaged/defaced parking ticket	Nil
387	Stop in permit zone Diplomatic Vehicle	Where there are times specified, outside of those times
388	Stop in permit zone Government Vehicle	Where there are times specified, outside of those times
390	Stop in permit zone Category L	Where there are times specified, outside of those times
392	Stop in permit zone Medical Practitioner	Where there are times specified, outside of those times
394	Stop in permit zone Resident Parking	Where there are times specified, outside of those times
398	Stop in loading zone longer than permitted	Where there are times specified, outside of those times
410	Stop on painted island	Nil
411	Parallel park in direction other than direction of travel (road-related area)	Nil
430	Stop in parking area for electric-powered vehicles	Nil
431	Stop in parking area for charging of electric-powered vehicles	Nil



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