

Performance Audit Report

Enforcement of Street Parking

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Contents

Abbreviations

Glossary of Terms

Executive Summary	1
Executive Summary	2
Recommendations	8
Response to the Report by the NSW Police Service	10
1. Introduction	13
1.1 Introduction	14
1.2 The Parking Police	14
1.3 Evolving Arrangements	15
1.4 Review of Parking Patrol	17
2. About The Audit	19
2.1 Audit Objectives	20
2.2 Audit Criteria and Scope	20
2.3 Audit Approach/Methodology	21
2.4 Audit Cost	22
2.5 The Audit Team	22
2.6 Acknowledgment	22
3. The Policy Framework	23
3.1 Introduction	24
3.2 The Government's Policy Objective(s)	24
3.3 The Traffic Act and the Regulations	25
3.4 The Police Service	26
3.5 The Roads and Traffic Authority	27
3.6 Local Government	28
3.7 Conclusion	29

4.	Structure and Current Arrangements for Enforcement	31
4.1	Introduction	32
4.2	Roles	32
4.3	Professional Development	33
4.4	Enforcement by Councils	34
4.5	Sharing Arrangements	37
4.6	Changing Arrangements	38
4.7	Ultra Vires Enforcement	41
4.8	The Infringement Processing Bureau	44
5.	The Law in Practice	47
5.1	Introduction	48
5.2	Parking Restrictions	48
5.3	Signage	49
5.4	Pay Parking Arrangements	50
5.5	Clarity of the Law	51
5.6	Discretion	59
5.7	The Rules	63
5.8	Frequent Offenders	67
5.9	Enforcement Alternatives	70
6.	The Management of Enforcement	73
6.1	Introduction	74
6.2	The Workload and Staffing Levels	74
6.3	Employee Productivity	76
6.4	Information Technology	89
6.5	Better Practice and Key Performance Indicators	92
6.6	Standard Operating Procedures	94
6.7	Compliance Measurement	95
6.8	Performance Accountability	96

7. Costs and Revenues	99
7.1 Introduction	100
7.2 Known and Estimated Costs and Revenues	100
7.3 Inadequacies in Financial Data	102
7.4 PIN Issue Costs	104
7.5 Linkages Between Costs and Revenues	105
7.6 Collection of Fines	108
7.7 NSW Practice Compared	111
7.8 Waiving/No Actioning of Fines	112
8. Options for the Future	115
8.1 Introduction	116
8.2 The Status Quo	116
8.3 The Police Service to Undertake Enforcement	116
8.4 Councils to Enforce	117
8.5 Contracting Out	118
8.6 Transfer of Enforcement to Councils	118
Appendices	121
9.1 Organisations etc Contacted	122
9.2 Restrictions on Public Street Parking under the Motor Traffic Regulations 1935	123
9.3 Adams Report Recommendations	125
9.4 PINs Issued 1994-98	126
9.5 Act and Regulations Enforced by CLEOs	129
9.6 Councils Authorised by Commissioner of Police as at 30 June 1998	130
9.7 List of Exhibits	132
Performance Audits by The Audit Office of New South Wales	135

Abbreviations

Adams Implementation Team	Police Service PPO Adams Implementation Team
CLEO/CLEOs	Council Law Enforcement Officer(s) and Council Parking Enforcement Officer(s)
Council	Local Government Council
EFT	Effective Full Time
IDC	Inter Departmental Committee (on the Review of Police Functions)
IPART	Independent Pricing and Regulatory Tribunal
IPB	Infringement Processing Bureau (of the Police Service)
IPBCSU	Infringement Processing Bureau Commercial Services Unit
LAC	Local Area Command (of the Police Service)
NSW	New South Wales
PAC	Public Accounts Committee
PIN/PINs	Parking Infringement Notice/s
Police Service	NSW Police Service
PPO/PPOs	Police Parking Patrol Officer(s)
RTA	Roads and Traffic Authority of NSW
SDA	Statement of Duties and Accountabilities
SDRO	State Debt Recovery Office
SEINS	Self Enforcement Infringement Notice Scheme
the Act	The Traffic Act 1909
the Police	The NSW Police Service
the Regulations	The Motor Traffic Regulations 1935
TPS	Traffic Penalties System

Glossary of Terms

Authorised Council	This term is used within the Report to refer to a council that has been authorised in writing by the Commissioner of Police for the purposes of Motor Traffic Regulation 130A(1)(f1) to enforce street parking using appropriately qualified staff.
De facto	Actually existing, with or without right
De jure	By right, according to law
Infringements Issued	This term when used with the Report is simply a longer term for PIN
Non Authorised Council	A non authorised council is a council which is not authorised to undertake enforcement in terms of Motor Traffic Regulation 130A(1)(f1) (as above) but is authorised to undertake very limited enforcement via Motor Traffic Regulation 130A(1)(f).
Non Sydney Metropolitan Area	In this report the non Sydney Metropolitan Area has been defined as being that area not having a telephone area code of 02 prior to the change in area codes for NSW and Australia.
Owner Onus (X Infringements)	Under Section 18A of the Motor Traffic Act 1909 the term means that the owner of the vehicle is deemed to be guilty of any parking infringement which is issued to the vehicle. To avoid this guilt, the responsibility or onus rests with the owner to identify via statutory declaration the person in charge of the vehicle at the time of the offence or to provide adequate evidence that such information is not available. When a statutory declaration is made a fresh infringement, with an X prefix, is compiled and issued to the person in charge of the vehicle at the time of the offence.
Parking Zone	A parking zone is an area between two parking (traffic control) signs and normally has more than one parking space within the zone area.
Public Road	A public road is a piece of land over which the public has the right of pass and repass by common law or under statute. A public road may be a classified or non classified road.
Road – Classified	Under the Roads Act 1993 a classified road can be a: <ul style="list-style-type: none">▪ highway – principal routes which link the State capitals and cities and for long distance travel▪ main road – connects towns and closely settled areas with one another and with the highway system to form a network of important roads between the highways▪ secondary road – relief roads for neighbouring main roads or are the principal roads for local traffic in rural areas▪ tourist road – provide access to particular scenic and natural attractions

- freeway – roads with dual carriage ways with no direct access from adjoining properties and side roads
- tollway – roads built to the standard of freeways where a toll applies.

Administratively roads are classified as:

- state roads – major arterial transport links between States and Territories, regional links across NSW and major urban arterial routes. State Roads are managed by the RTA and include national highways, freeways and main roads
- regional roads – sub arterial links in major urban areas and intra regional links in rural areas. Regional roads are managed by local government councils
- local roads – these are managed by local government councils.

Road – Non Classified

A road which is not a classified road (see earlier definition for what is a classified road).

Street

This term is used within the Report because of its common use and understanding by the public. It should be taken to mean a public road.

Street Parking

This refers to the activity of deliberately bringing a vehicle to a stop that is to stand, momentarily or otherwise, on a public street or road (this incorporates all areas between opposite property boundaries, including the carriageway and footpaths).

Sydney Metropolitan Area

In this Report the Sydney Metropolitan Area has been defined as being that area that had a telephone area code of 02 prior to the change in area codes for NSW and Australia.

Traffic Flow

This refers to the movement of traffic on roads at legally consistent speed and can be measured by the time taken to undertake a journey of a specific length.

Ultra vires

Going beyond legal power or authority

Working Days (Shifts) Lost

Working days (shifts) lost (that is the absence rate or also referred to as the percentage of employees away on an average day) is calculated as:

$$\frac{\text{number of sick leave and workers compensation days (for all employees)}}{\text{number of working days (employees X working days)}}$$

The number of working days for employees are calculated by taking away weekends, public holidays and annual leave entitlements

Executive Summary

Executive Summary

The Audit

The audit reviewed the economy, efficiency and effectiveness of the arrangements for the enforcement of street parking in accordance with the Traffic Act 1909 (**the Act**) and its Regulations (the Motor Traffic Regulations 1935) primarily in the inner Sydney Metropolitan area. The audit was undertaken following consultations with the Commissioner of Police and the Lord Mayor of Sydney.

Enforcement (in this report) covers the supervision and inspection of parking in designated areas on public streets in accordance with the conditions recorded primarily on signage.

Enforcement is undertaken currently by Parking Patrol Officers (**PPOs**) and sworn police officers of the NSW Police Service (**Police Service**), and by certain authorised Local Government Councils.

A breach of the law, when detected, incurs a penalty as set out in the Regulations.

In 1997-98 approximately 837,000 parking infringement notices, valued at \$58.2m, were issued by way of a penalty.

Audit Opinion

The Audit Office is of the opinion that the arrangements for the enforcement of parking are not as efficient and effective as they could be and should be reviewed.

Accountability of the enforcement role needs to be improved. Currently there is minimal monitoring of the success or otherwise of the enforcement function.

There is a need to address and assign more closely the current responsibilities for enforcement arrangements between the Police Service and councils.

There is also a need to articulate more clearly the objectives to be achieved from the legislation and their relative priorities. That is whether, and the extent to which, the legislation is designed to assist traffic flow, provide safety for drivers and pedestrians and provide access to the sharing of limited parking space.

Evidence suggests that: there is a variety of views as to the intent of the legislation; the law is regularly breached and the current level of enforcement is not an effective deterrent.

Audit Findings

The audit opinion is based on the following findings.

Accountability

Responsibility for enforcement is devolved to Local Area Commands (**LACs**) of the Police Service and to certain councils when authorised by the Commissioner of Police. But devolution is not matched by appropriate arrangements for accountability. For example:

- there is no measurement of the success, or otherwise, of enforcement (because objectives have been interpreted rather than developed from due process) either at the LAC level or the corporate level
- the role is often performed in a perfunctory way rather than being by adequate strategic planning either at the corporate or local level
- surveys to determine the level of compliance with the law have not been undertaken by the Police Service and councils generally. But where undertaken by others, surveys indicate the law is often and regularly breached and on occasions without fear of infringement
- while considerable data is held, particularly by the Infringement Processing Bureau (**IPB**), the information is neither organised nor accessed in a contemporary manner for management purposes
- PPOs are not subject to performance criteria or to an adequate review of their performance
- the supervision of PPOs by their superiors is often not adequate (due to a combination of Restorative Justice influence, numerous complaints, which need to be addressed by supervisors, and inadequate resourcing, that is human, technological and physical).

Cost of Parking Enforcement

There has been minimal improvement in the identification of costs to enforce the law from that reported by the Public Accounts Committee in 1986.

Human Resources Management

To improve the level of compliance with the law, as evidenced by surveys, evidence suggests that there is room for significant improvement in the performance of PPOs in terms of:

- productivity levels of infringements issued (it is noted that PPOs supervise the more intensive areas of demand for parking space)
- days lost to sickness absence
- the cost of enforcement per infringement
- an adequate review of personnel performance.

Technology

Contemporary technology and other forms of assistance need to be provided/used to assist the enforcement function. For example:

- paper based infringements for enforcement are currently used in NSW whereas hand held computers are used for enforcement interstate and overseas
- PPOs do not have ready access to modern communication devices (radios, mobile phones and beepers) and assistance with transport such as cars, bicycles, motor cycles etc.

Information systems need to be improved to access data for management/strategic purposes.

The Police Service has advised The Audit Office that the Government has approved capital funding for the provision of new systems and equipment (including hand held computers) over the next two years.

*Police Service
Involvement in
Parking*

Feedback from the interviews conducted by The Audit Office suggests that in many quarters enforcement is seen as an unwelcome distraction from the important duties of crime prevention and detection. This may also explain that in a number of instances requests by the public to the Police Service to enforce the parking law would seem to have gone unheeded.

The arrangements whereby the Police Service enforces parking regulations would also seem to differ from the enforcement arrangements applying internationally and in other Australian states.

The Police Service advised that historically the enforcement of parking has been regarded as core business, although this view has been the subject of debate in recent times. The Police Service currently regards enforcement as “outer core”, that is, the Police Service need not necessarily continue in its role as the primary deliverer of parking patrol services but should retain an ongoing interest and involvement in enforcement.

Currently nearly all infringements, regardless of whether they have been issued by the Police, councils or agencies, are processed by the IPB (which is part of the Police Service). The fees charged by the IPB for the processing of infringements are not subject to independent review.

Similarly the processing of infringement notices by the Police Service is an activity that does not seem related to the core corporate objectives of the Police Service.

The Police Service has advised that the Government has approved the relocation of the IPB to the City of Maitland.

*Funding
Arrangements*

The Police Service has no direct access to revenues from its enforcement of the law. And as the financial resources of the Police are directed to areas of greatest need, the level of funding devoted to the enforcement of the law on parking may not always be commensurate to the task. A possible outcome is that the law may not be enforced by the Police Service to the extent that it would be if the Police Service could fund enforcement from associated revenues, or if the enforcement would be carried by other entities.

On the other hand, councils, which have access to funding, are reluctant to devote more resources to enforcement because their future in that role is uncertain as it is at the discretion of the Commissioner of Police.

The Law

The law, while providing the basis for enforcement, is at times unclear. This results in uncertainty in terms of both its enforcement (by enforcement officers) and compliance by drivers. Clearer guidance on the law is suggested to assist:

- drivers in their understanding and compliance with the law
- enforcement officers in:
 - enforcing the law consistently
 - the exercise of discretion.

Some laws, or penalties under the law, seem to be at odds with the perceived objectives of the law.

For example, the severity of penalties for certain offences which involve pedestrian safety (for example parking a motor vehicle on a footpath, which is potentially dangerous) attracts the same penalty as exceeding the permissible parking time, that is \$60.

Also dangerous parking, unlike dangerous driving, attracts no demerit points (from a driver's licence).

Another issue is that non-resident drivers can effectively breach, with impunity, the laws on traffic and parking provided they leave the country before payment is effected.

**Defective
Authorisation**

The Commissioner of Police may authorise a council to enforce the law. “Authorisations” so given in the period 1 September 1992 to 22 June 1995 contained a legal defect.

Approximately 262,000 infringement notices (PINs), valued at \$19.4m, were issued during the period 1 July 1995 to 14 April 1999 by 28 councils whose “authorisation” is regarded as defective.

Based on the Crown Solicitor’s advice:

- PINs issued between 22 June 1995 and 14 April 1999 are “*probably invalid*”
- those infringements issued prior to 22 June 1995 are “*probably valid*” (although defective)”.

The implication is that the basis of penalties imposed (and paid) between the above mentioned dates may not be sound. The financial implications are not known but the sum involved is likely to be substantial.

Other Matters

The audit also highlighted a number of other matters, including:

- a council authorised by the Commissioner of Police is required to use the Self Enforcement Infringement Notice Scheme (SEINS) operated by the IPB. Consequently the Police Service seems to have a monopoly on the processing of infringements issued by councils. A profit from this source of approximately \$1m per annum is paid by the IPB to the Police Service.

The setting of prices by the IPB has not, however, been reviewed by the Independent Pricing and Regulatory Tribunal, a body created to review and set monopoly pricing in the public sector. It is suggested that clarification be sought as to whether the Police Service complies with the Trade Practices Act 1974 in regard to requiring authorised councils to use the services provided by the IPB

- compared to interstate, residents of New South Wales are less inclined to pay parking fines by the due date. Specific reasons for default are not known but a reason advanced is that the financial penalties in NSW are higher than elsewhere in Australia
- at least one public sector agency has paid fines on behalf of its employees. There may be more.

- it seems to be quite common that private companies pay parking fines on behalf of their employees for penalties incurred in the course of commerce. The effect of this practice is likely to encourage breaches of the law
- in 1997-98 6,862 infringements for parking and traffic offences incurred by non-Australian residents were waived because the offenders had left the country before payment could be effected. The infringements (valued at \$680,442) often involved the use of rental vehicles. Other countries effect payment by credit card either by “on the spot” payment or at the time a rental vehicle is returned by the hirer or subsequently. Given the staging of the Olympic and Paralympic Games in 2000 the current practice in NSW has more serious implications.

**Review of Parking
by the Police
Service**

The Police Service initiated, in July 1998, a review of the management of parking enforcement including signage, enforcement levels and service delivery. The study identifies gaps in patrol coverage and desirable resource levels.

That review is timely and the findings of the Police Service in significant areas correspond to those of The Audit Office.

Recommendations

The following recommendations are designed to improve the efficiency and effectiveness of enforcement, fine collection and the public understanding of the law applicable to parking.

It is recommended that:

The Government

The Government initiate a review of the current enforcement arrangements with a view to:

- clarifying the objectives (and their relative priority) to be achieved from enforcement
- the allocation of responsibilities for the enforcement of street parking between the Police Service, councils and/or other organisations

The Police Service

The Police Service (and the councils to the extent applicable) undertake a review of the enforcement arrangements to improve the economy, efficiency and effectiveness of operations. The review to address issues such as:

- establishing effective accountability arrangements for enforcement services and the outcomes to be achieved
- the introduction of technology and other aids to assist the enforcement role including the retrieval of relevant information for management/strategic purposes
- compiling an appropriate set of indicators to measure performance
- providing clear and comprehensive guidance to staff on the law and the exercise of discretion to ensure consistency in the application of the law
- the optimum level of human resources required to provide an efficient and effective service
- achieving prompt settlement of penalties without the need to take default action
- the identification of opportunities to improve settlement of fines due.

The Law

In order to improve the deterrent factor it is recommended that consideration be given to:

- the issue of multiple infringements for the same offence on the same day
- differentiation in penalties for potentially dangerous parking offences (that may include financial and non financial penalties)

For example a higher penalty for the offence “not park close and parallel” (that is parking on the footpath which has the potential to affect the safety of pedestrians) in comparison to offences of exceeding the permissible parking time

- fines for parking and traffic offences committed by drivers domiciled overseas (in the use of rental vehicles while in Australia) be enforced via credit card payment either by an “on the spot” fine or by the rental company collecting penalties subsequent to the offence.

Public Knowledge

In order to improve drivers awareness and understanding of the law it is recommended that:

- the *Road Users Handbook* be amended to provide clearer guidance on the law
- public education campaigns be undertaken of the law by responsible agencies.

Response to the Report by the NSW Police Service

Thank you for your report on your findings and recommendations in relation to parking patrols. I have taken this opportunity of providing the following comments for inclusion in the final version of the report to be tabled in Parliament. I understand the report will be tabled later this month.

The Service initiated a review of enforcement of on street parking in accordance with its overall reform agenda. Following discussions between myself and The Audit Office regarding the review, The Audit Office initiated its own independent review of enforcement of parking laws.

The Service welcomes this report of the Auditor-General into the enforcement of on street parking laws which will complement our own comprehensive review.

In general, the contents of the report and its recommendations concur with the great deal of work that has been done on the issue within the Service in the last two years. There is no doubt there is room for considerable improvement in the management of parking patrol activity, possibly through greater involvement of local government. The introduction of new technology for issuing infringements, by Service and council personnel, will require the introduction of modern, more efficient work practices.

NSW is the only state in Australia where the Police Service has primary responsibility for street parking patrols. The report contrasts the relatively low levels of parking infringements issued in NSW compared with other less populous states and this raises the question of the appropriateness of the current arrangements. The report calls on the Government to review the allocation of responsibilities between police, councils and other agencies in parking law enforcement and the Service fully supports such an initiative.

In regard to the specifics of the report, I offer the following comments.

1. Objectives of enforcement. While the Auditor-General states on the one hand that the objectives of enforcement are not clearly articulated, the report summarises them succinctly, that is *'to assist traffic flow, provide safety for drivers and pedestrians and provide access to the sharing of limited parking space'*. (p.2)

2. Effectiveness of current levels of enforcement as a deterrent. While the report is critical of the current level of enforcement, there is no evidence that a higher level of enforcement, such as in that experienced in the City of Melbourne, would lead to greater compliance. The effect of more enforcement in Melbourne has been an increase in the number of infringements issued with no detectable deterrent effect. To increase compliance all of the issues involved, including the level of penalties and broader traffic management and transport issues must be considered.

3. Parking Patrol Officer performance. The Service has paid a great deal of attention to the performance of PPOs, in recent years, as is evidenced by the number of inquiries into the issue of parking enforcement, the creation of a new supervisory structure and the formation and review of enterprise agreements in 1992 and 1995. Evidence suggests efforts to reform parking patrol activities have met with limited success due to the intransigence of the issues and the inability of management to change the entrenched work practices involved in the parking function. This leads to the conclusion that some parking enforcement functions may be better structured under the control of local councils.

4. Technology. The Service has been aware of the availability of new technology for infringement issuing for several years and commissioned a business case to bid for capital in 1995 (the EDS report). While it appears to be a simple matter to issue hand held computers (HHCs) on the street, it would be a pointless exercise without the introduction of a new 'back end' processing system. Capital funding of \$11.5 million has now been approved for the replacement and relocation of the Infringement Processing Bureau to support the introduction of HHCs.

5. Use of infringement information for intelligence purposes. The Service has long recognised the potential of the information gained from the issue of infringements to be used for intelligence purposes. Officers have access to the Infringement Processing Bureau (IPB) to check on infringements issued to vehicles of interest involved in an investigation on an ad hoc basis. The new infringement processing system will put greater emphasis on this functionality and enable much greater use of information for intelligence.

The new HHCs will have the capacity to be loaded with daily 'hot lists' of stolen and wanted vehicles and officers issuing infringements will be alerted should they enter the registration number of a vehicle of interest to police. This facility will also be available to officers from other state government agencies and councils who use the HHCs.

6. Police/council cooperation and responsibilities. It should be noted that the Service at no stage announced the withdrawal of agreements with local government to issue parking infringements. In early 1998 when initiating a review of parking patrols (the Adams Report), a moratorium was announced on the formation of new parking agreements between the Service and councils. Since this time the moratorium has been lifted with some councils being given the right to issue on street infringements on a case by case basis, in a manner which would not prejudice the pursuit of other options at a later stage.

The matter of the future of parking law enforcement is one for the government to decide and no decision has been made by the Service.

7. Defective authorisation. It is noted that between the period 1995 to 1999 some infringements issued by councils may have been invalid due to a legal technicality. To overcome this problem legislative remedies are under consideration.

(signed)

P J Ryan
Commissioner of Police

Date: 11 November 1999

1. Introduction

1.1 Introduction

The Environment New South Wales is the most populous State in Australia. Registered vehicles exceed 4.0m, 44% of which are domiciled in Sydney and its suburbs. As a result New South Wales, and particularly Sydney, has a greater pressure on limited parking than other States and Territories.

The Legislation The Traffic Act 1909 (**the Act**) and the Motor Traffic Regulations 1935 (**the Regulations**) are the law in New South Wales (NSW) in regard to parking.

The Regulations detail the restrictions that apply to parking (*Appendix 9.2* refers) and a failure to comply is regarded as an offence under the law (although payment of a penalty by a driver of an infringed vehicle is not an admission of guilt).

The Act and the Regulations also prescribe those persons who are authorised to issue a Parking Infringement Notice (**PIN**) where an offence under the Regulations has been committed.

1.2 The Parking Police

The Parking Police commenced operations in January 1946 (and are referred to as Parking Patrol Officers (**PPOs**)).

Until December 1945 only sworn police officers of the NSW Police Service (**the Police Service**) were authorised to enforce the law in regard to parking.

The then Premier approved the establishment of a force of special constables known as the “parking police” (referred to as “brown bombers” because of the colour of the uniform), to assist police officers with the enforcement of the law for parking. The initial 100 parking police, located in the Sydney city area, were staffed by partially disabled returned servicemen.

The *Annual Report of the Police Service* for 1945 commented on this initiative in the following terms:

The innovation will not only afford material assistance to the Police Service in its endeavours to cope with ever increasing congestion of traffic in the city streets, but will provide one avenue for employment along the lines of practical post war reconstruction.

As indicated above the pressure on parking space in the Sydney city area (and indeed Sydney) is not new.

Also not new is the frustration associated with parking enforcement, as evidenced by the following comment within the *Annual Report of 1949* of the Police Service:

The parking problem is one causing acute concern, particularly in Sydney, and no satisfactory solution to the problem has yet emerged. I¹ think it is well to point out that the Police – both the Parking Police and the regular Police – can do no more than enforce the Regulations which are necessary in the interests of the public as a whole, irksome though such Regulations may be to some sections of the community. The Police cannot make any more space for parking, nor can they permit motorists who wish to do so to use the public streets and roads, designed for the movement of traffic, as free garage space.

There have been similar comments in Annual Reports of the Police Service over the years.

1.3 Evolving Arrangements

Growth of PPOs

The authorised staffing levels for PPOs increased from the initial 100 in 1946 to 318 in 1998.

The increase in the number of vehicles using the roads placed extra pressure on finite parking capacity throughout the city of Sydney and its metropolitan area and country towns and cities. This in turn stretched the resources of sworn police officers and PPOs. (Exhibit 1 refers).

Exhibit 1: Variations in Authorised Strength and Registered Vehicles			
	1948	1983	1998
Parking Police	100	377	318
Sworn Police Officers	4,179	9,797	13,307
Registered Motor Vehicles	374,000	2,839,000	3,493,000

Source:

- (a) The Police Service
- (b) The Roads and Traffic Authority of NSW

Note:

1. The figures quoted for 1986 and 1998 are as at 30 June while for 1948 the figures are as at 31 December
2. The number of registered motor vehicles in 1946 was not available and 1948 was included instead. However, the authorised strength of PPOs in 1948 was the same as 1946
3. PPO authorised strength peaked at 377 in 1983 and fell from this level after 1986.
4. The vehicle types included within the figures quoted for registered motor vehicles are: passenger vehicles; utilities and vans; motor cycles; rigid trucks; buses, and prime movers. Trailers and plant have been excluded

¹ The then Commissioner of Police

Initiatives

In response, time has witnessed:

- the introduction of street pay parking schemes and traffic flow initiatives such as clearways, transit and bus only lanes
- the introduction and removal of “tow away” arrangements by which vehicles were impounded for breaches of the law
- the dispersal of PPOs to metropolitan areas of Sydney and to country towns and cities due to parking pressures in those areas.

Other developments follow.

Residential Parking

Restrictions on residential parking was introduced in 1978 in areas of intensive residential parking.

By this initiative councils sought to protect the parking space adjacent to residences (for parking by residents) by introducing limited time and pay parking for those vehicles not displaying a council issued *Resident Parking Permit*.

The requirement to patrol residential parking restrictions added to the workload of sworn police officers and PPOs in terms of the enforcement of the regulations in Sydney and its suburbs.

**Authorised
Enforcement
Persons**

In 1989 Councils were permitted to enforce residential parking and some safety matters and from 1 September 1992 councils, where authorised, were permitted to enforce all parking regulations in designated areas.

As a result the responsibility for enforcement of the law was expanded from sworn officers of the Police Service and PPOs to include appropriate staff from authorised councils.

**PINs Issued
1997-98**

The imposition of monetary penalties on drivers who do not observe the law is the prime method to improve traffic flow, road safety and turnover of vehicles in parking spaces. In simple terms the abuser pays.

The number of PINs issued in 1997-98 and the face value of “on the spot” fines is shown below in Exhibit 2.

Exhibit 2: PINs Issued 1997-98 and Associated Value			
	Police Service (Note 1)	Councils (Note 2)	Total
PINs Issued (Note 3)	659,350	178,006	837,356
PINs Fine Value	\$46.450m	\$11.757m	\$58.207m

Source: The Audit Office Analysis

Notes:

1. Infringements issued by sworn police officers and PPOs have been combined
2. Infringements issued by councils is a combination of councils authorised to enforce all parking regulations and councils with authority to enforce a limited number of parking regulations
3. Owner onus statutory declarations (X prefixed infringements) have been excluded. For an explanation of this term see “Glossary of Terms”
4. Figures quoted are for offences associated with parking on public streets only.

1.4 Review of Parking Patrol

Arising from the Wood Royal Commission into the Police Service an Inter Departmental Committee (IDC) on the Review of Police Functions was established.

The IDC reported on 16 March 1998 and identified the enforcement of street parking as a “core” police function. The IDC recommended:

that the Police Service review issue of on-street parking enforcement with local councils with a view to involving the Service and local councils in the most appropriate way. Local councils involvement in off-street parking would remain.

In early 1998 the Police Service established an internal working party to examine the “*options for policing parking patrol in the future*”. A report (the Adams Report²) was circulated on 4 June 1998 within the Police Service and included eleven recommendations for improving the efficiency and effectiveness of parking enforcement (Appendix 9.3 refers).

The recommendations were agreed to “in principle” and a team, the Adams Implementation Team, was established and tasked with implementing the recommendations.

The Commissioner of Police later expanded the mandate of the Adams Implementation Team to include a review of options for contracting out the enforcement of parking. This review was undertaken concurrently with the review by The Audit Office.

² This report is within the Police known as the Adams Report because the Working Party was chaired by Commander R Adams

2. About The Audit

2.1 Audit Objectives

The objectives of the audit are to review the:

- existence and adequacy of the objectives/outcomes established for parking in NSW
- adequacy of compliance by drivers with the Traffic Act 1909 and the Regulations
- adequacy of the level of supervision exercised by those agencies / persons authorised to enforce the law
- efficiency and effectiveness of management practices by enforcement agencies to meet the objectives established for parking.

2.2 Audit Criteria and Scope

The Audit Office reviewed the enforcement of street parking by the Police Service and certain councils, as to whether:

- adequate policies and guidelines exist in order to guide the management of enforcement
- the arrangements for enforcing the law support the statutory obligations, objectives and responsibilities in an adequate and appropriate way
- the Regulations are enforced efficiently and effectively.

Limitation to the Scope of the Audit

The audit did not examine the:

- efficiency and effectiveness of the enforcement of off-street parking by local government, off-street free and pay parking areas, national parks, crown lands, universities, hospitals etc.
- alternative arrangements for the enforcement of parking (but the report does provide identify options for enforcement)
- efficiency of the collection of fines from offences committed under the Regulations.

2.3 Audit Approach/Methodology

The audit approach, methodology and criteria involved:

- reviewing relevant literature and work undertaken by other audit jurisdictions (nationally and internationally)
- work undertaken on this subject via the Internet
- research of other relevant literature
- reviewing enforcement practices and performance in other Australian capital cities by:
 - the issue and analysis of responses to a questionnaire which gathered qualitative and quantitative data on enforcement
 - discussions with councils in other Australian capital cities
 - benchmarking
- obtaining benchmarks on sickness absence levels of enforcement officers
- discussions with representatives of the Roads and Traffic Authority, Joint Standing Committee on Road Safety (STAYSAFE), Department of Local Government, The Local Government Association, The Treasury and The Pedestrian Council of Australia.
- discussions with PPOs, managers of four Local Area Commands, the Infringement Processing Bureau (IPB), the Police Traffic Services Branch Commander and the Adams Implementation Team
- discussions with representatives of three councils which had been authorised by the Commissioner of Police to undertake enforcement
- analysing data on enforcement obtained from the Police Service particularly the IPB, managers of PPOs and managers of Council Law Enforcement Officers (CLEOs).

2.4 Audit Cost

The cost of the audit was \$318,834 and is dissected within Exhibit 3.

Exhibit 3: Cost of the Audit	
Line Item	\$
Direct Salaries Costs	208,612
Overheads Charges	71,017
Value of Unpaid Overtime	28,113
Printing (Estimated)	11,000
Other Miscellaneous Costs	92
Total	318,834

2.5 The Audit Team

Denis Streater, Director Performance Audit Branch
Steve Sullivan, Project Leader
Brian Holdsworth
Sonia Danzo (in the initial stage of the audit)

2.6 Acknowledgment

The Audit Office gratefully acknowledges the cooperation and generous assistance that was extended to the audit team (refer Section 2.5 *The Audit Team*) by those organisations listed within Appendix 9.1:

Particular mention is made of the assistance provided by representatives of the Police Service (notably the Adams Implementation Team [Inspector R Wilkinson and Senior Co-ordinator Parking Patrol L Cooper]), Roads and Traffic Authority NSW, local government councils (City of Adelaide, City of Melbourne, City of Perth, City of Sydney, Leichhardt Municipal and North Sydney) and the Pedestrian Council of Australia.

3. The Policy Framework

3.1 Introduction

This section of the report reviews:

- government policy
- the objectives contained within the law applicable to the enforcement of parking
- policy for parking at the organisational level, that is agencies of government and councils

3.2 The Government's Policy Objective(s)

The Audit Office sought advice as to the Government's policy for the enforcement of parking from the:

- Minister for Police
- Minister for Local Government
- Minister for Roads.

A response was received from the Minister for Police on 7 January 1999 which advised, inter alia:

The principal issue in relation to this topic that has come to my attention is the extent to which the function should be shared between the Police Service and Local Councils.

On street parking regulations are intended to enhance road safety and the flow of traffic, as well as to provide equitable access to parking space for motorists.

As you may be aware an inter-departmental committee is reviewing police functions, including Parking Police. Subsequent to this, the Police Service are continuing to review the role of Parking Police for submission to Government.

Audit Observations

The advice received from the Minister goes to an unstated, but generally accepted, intent of the Regulations. It seems a broader outcome for parking, and one that would normally be established by Government, does not exist. This has been confirmed by those who enforce parking and a representative of the Ministry for Police.

3.3 The Traffic Act and the Regulations

The Traffic Act and the Regulations have evolved over time. The Minister for Roads is responsible for the administration of the Act and the Regulations.

Sections of the Act were copied from the English Motor Car Act 1903 and Acts in other states relating to traffic and parking.

The law in NSW is a typical regulatory offence model and is a codification of the rules and powers made and altered by the Government to reflect the needs of the community.

Audit Observation Advice was received from some that policy objectives for parking are contained within the legislation (which is not the case). The absence of a policy setting under the law is not generally understood.

The Focus of Enforcement The enforcement of the law has as its outcome (intended or otherwise) improved traffic flow, safety for both drivers and pedestrians, access to and the sharing of, (limited) parking space.

Audit Observation Certain enforcement personnel however, see their role as merely to ensure compliance with the law. In these cases a legal framework rather than a broader policy objective tends to drive enforcement.

Financial Penalties When compared to other states the legislation in New South Wales imposes more severe financial penalties for offences irrespective of the nature of the offence.

Also, and in terms of the penalties imposed, the legislation attaches greater significance to the severity of some offences (but not all) for example, those involving safety and traffic movement.

Audit Observations The reasons why financial penalties for a breach of the law in NSW are more severe than other states are not clear. It is believed that higher penalties reflects an attempt to manage a pressure on parking in NSW which exceeds that of other states.

However, the severity of penalties in New South Wales for offences involving certain matters of safety seemed not to be appropriate (in terms of the principle and its relativity) when compared to interstate.

For example in NSW offences associated with pedestrian safety (such as parking a vehicle on a footpath and thereby causing obstruction and risk to the safety of pedestrians) attract the same penalty as those involving a breach of timed parking, that is \$60.

In relative terms breaches in other states involving matters of safety attract a higher penalty than breaches involving timed parking. The prevailing attitude in those other states seems to reflect the potential social and economic consequences for breaching the law in matters of safety.

3.4 The Police Service

The Police Service is the primary provider of enforcement.

The 1998-2001 Corporate Plan of the Police Service lists the purpose of its Traffic Program as:

To reduce road trauma by encouraging safer road user behaviour and compliance with the road laws.

The Traffic Policy Statement issued by the Police Service in June 1998 states that traffic flow (matters affecting traffic management during peak times eg Transit Lanes, Clearways, Drive contrary, turning offences and parking) is the third of four traffic priorities.

Audit Observation

The foregoing indicates that the Police Service places emphasis on safety and traffic flow.

Those parking regulations primarily concerned with equity and access (to parking) do not appear to have been specifically addressed within the role and objectives of the Police Service. These offences however represent a significant proportion of PINs issued (Appendix 9.4 refers).

Performance Measures

Performance measures for traffic matters identified within the Corporate Plan of the Police Service are the number of fatal and serious (injury) accidents and community satisfaction with police traffic services.

The Traffic Plan of June 1998 specifies further performance measures as follows (the):

- number of offences detected
- results of compliance surveys
- quality of feedback from road safety stakeholders.

Audit Observations Offences detected are a measure of the level of activity (of enforcement) and not a measure of compliance with the law by drivers.

The adequacy of performance by the Police Service in key areas is therefore not known in regard to its role in the enforcement of the Act and the Regulations.

Anecdotal evidence is that generally councils (as road stakeholders) are not satisfied with the level of enforcement provided by the Police Service.

To date the Police Service has not undertaken a survey to determine the extent of compliance by drivers.

3.5 The Roads and Traffic Authority

The Roads and Traffic Authority (RTA), among other things, promotes road safety and better traffic management. It also provides administrative support to the Minister for Roads.

Compliance with the law as regards parking in the street has a positive impact on the flow of traffic. The RTA therefore has a direct interest in the effective enforcement of the law in regard to parking.

The RTA however, has no power to enforce parking restrictions but it may tow an obstructing vehicle to a location where no obstruction occurs and for which a fee is charged.

The Budget Estimates for 1999-2000 (Program 68.3.1 Road Safety and Traffic Management) for the RTA state:

Program Objective(s)

To reduce the trauma and cost to the community of road deaths and injuries. To maximise the efficiency of moving people and goods by better managing the existing road network and encouraging people to use alternative forms of transport to the motor car.

The RTA has a range of initiatives to achieve these objectives and indicators to measure performance against objectives.

Audit Observation While the RTA, like the Police Service, has an interest in matters of safety and traffic flow there is no evidence to suggest that it has a direct interest in matters of equity of access to parking space.

3.6 Local Government

Councils have been delegated power (by the RTA) to exercise specified functions under the Traffic Act 1909 and the Roads Act 1993 in respect of unclassified roads.

Councils, like the RTA, have a direct interest in the effective enforcement of parking because (they):

- are owners of and do have responsibilities for, public roads/streets (other than freeways and Crown roads) within their geographical jurisdiction
- implement traffic management strategies and the provision of amenities for community use such as parking facilities
- retain revenues from enforcement

Audit Observations

This interest does not translate to powers of enforcement, this role is that of the Police Service.

With few exceptions councils are a minor player in enforcement on public streets. This contrasts with other states and overseas where councils are the primary providers of enforcement services.

Anecdotal evidence indicates that the absence of an effective role for councils in enforcement is a source of dissatisfaction to some councils in NSW.

A representative of the RTA expressed the view that :

...advocating the delegation of all parking enforcement (excepting emergencies) to local councils.....may facilitate optimum deployment of Police resources...

The present arrangements do however, provide some protection to councils from the impacts of traffic management policy.

For example a council may attempt to discourage car usage in a area by limiting the availability of off-street parking. This strategy creates a pressure on the Police Service to enforce parking rather than the council.

3.7 Conclusion

The law seeks to improve traffic movement, safety for both drivers and pedestrians, equity of access in the use of kerbside space.

There are, however, no policy objectives established by the Government for parking. Consequently the outcomes to be achieved by the enforcement of the law are subject to interpretation rather than predetermined.

This may lead to confusion and at times conflict between state and local government organisations (as road stakeholders) as to the relative priorities for the enforcement of parking.

The Police Service and the RTA see traffic flow and safety matters as enforcement priorities. The priorities of councils (of equity in access to parking and pay parking income) are however not priorities of the Police Service and the RTA.

4. Structure and Current Arrangements for Enforcement

4.1 Introduction

This section reviews and comments on the current arrangements for parking enforcement including the:

- role of Parking Patrol Officers (PPOs) and Council Law Enforcement Officers (CLEOs)
- legal basis for council parking enforcement
- enforcement sharing arrangements
- role of the Infringement Processing Bureau (IPB)
- ultra vires enforcement by councils.

4.2 Roles

PPOs

The authority for PPOs to enforce street parking regulations is contained within Section 130A(1)(a) of the Regulations.

The primary role of a PPO is to enforce the regulations. Other related activities include the reporting of damaged parking signs and meters, ticket machines and abandoned and stolen vehicles. Some “preventive parking” also occurs, that is ensuring parking does not occur in a designated area prior to a special event, for example, the march on Anzac Day.

Expansion of the role of PPOs occurred in July 1991 when enforcement commenced of minor equipment and number plate offences. This ceased in October 1992 due, initially, to a question of the legality of that role. Also the 1992 Enterprise Agreement provided for the role and function of PPOs to be enhanced, but these changes were not introduced.

The Adams Report (section *1.4 Review of Parking Patrol* refers) recommended an expanded role for PPOs including:

- intelligence gathering
- a visible police presence on the streets
- compliance with the General Traffic Act 1916 (Clearway and Transit Lanes) and the issuing of infringement notices under the Act to pedestrians and toy vehicles (electric mobility devices)
- the monitoring of speed cameras
- exchanging film in red light cameras.

Any expansion of role of PPOs is yet to be decided upon.

CLEOs

For many years, even predating the creation of the Parking Police in 1946, councils have employed staff to enforce council by-laws, ordinances and regulations (the range of enforcement duties is set out within Appendix 9.5).

Currently these staff operate under locally prescribed names, such as Inspector, Ranger, Council Law Enforcement Officer (CLEO).

CLEOs have a multi purpose role/function whereas PPOs have a limited role/function. The latter equally applies to the Council of the City of Sydney parking enforcement officers.

Audit Observations

The role/function of PPOs could be expanded. However, this has a range of impacts such as remuneration levels, occupational health and safety issues and provision of appropriate training and equipment.

These initiatives, if introduced, are likely to increase the cost of the enforcement of parking by PPOs which is currently higher than that of most councils in NSW and interstate capital city councils (section 7.4 *PIN Issue Costs* refers).

4.3 Professional Development

PPOs

Historically PPOs have not received either “face to face” training or in service training - training was “on the job” that is learning from experienced officers in the course of daily duties.

In the mid 1980s formal in-service training was provided for a short period but it then lapsed.

Discussions leading to the 1992 Enterprise Agreement of PPOs identified the need for formal induction training.

A “face to face” training course over four days was subsequently developed with recruits trained at the Goulburn Police Academy.

In-service training for PPOs is in the main, limited to that provided by LACs.

The role of the Senior Co-ordinator Parking Patrol Services in part, is to:

act as a consultant in the design and delivery of Parking Development Courses, Initial and on the job training courses.

CLEOs Councils provide in house or external training as appropriate and available, and provide in-service training as changes occur to legislation.

Audit Observations The extent of professional development provided by the Police Service to PPOs (and their immediate supervisors) is considered not to be adequate.

There has been limited external input to the development of PPOs as provided for by the role of the Senior Coordinator Parking Patrol Services.

4.4 Enforcement by Councils

Historically enforcement has been undertaken by sworn police officers and PPOs.

The Regulations were changed in 1989 to enable councils to enforce a limited number of regulations in regard to residential parking (Appendix 9.2 Note 2 refers).

Audit Observations The legal effect of the change was however, to enable councils to enforce the regulations relating to vehicles parked on footpaths and vehicles obstructing pedestrian and traffic flow in all parts of a council area.

However, the wider enforcement capacity has not been recognised by some councils.

This authority is not limited by the more general powers of enforcement now available to certain councils, as discussed next.

Further Change A further change occurred in September 1992.

The Commissioner of Police was empowered to authorise councils to enforce the regulations to an extent equivalent to that of PPOs. This change:

- was a natural extension of the delegated powers given to councils by the RTA in respect of roads
- provided councils with an opportunity to benefit financially whilst at the same time enhancing the enforcement role.

The change included the following arrangements (as evidenced by Commissioner's Notice CN 93/3 dated 1 February 1993):

- a council wishing to undertake enforcement was required to conclude a written agreement (known as the Local Agreement) with "local" police (an LAC) as to the scope of enforcement by CLEOs (that is geographical area and time-day/week)

(The Police Service had as an objective to maintain revenues to the Consolidated Fund at historical levels while PPOs were sensitive to the change because of the expanded role of councils in enforcement. In response the Police Commissioner required that any area to be enforced by councils must exclude those locations currently patrolled by PPOs within a council area)

- a participating council was required to use the Self Enforcement Infringement Notice Scheme (SEINS) administered by the IPB
- a council must use only those employees who had successfully completed an approved training course (provided by the Goulburn Police Academy at a current cost of \$650 per student)
- the council to sign a formal Service Agreement with the Police Service that incorporates the essentials of the above arrangements.

Audit Observations

The above change came about as a result of complaints from some councils that the service provided by PPOs was not meeting the needs of its constituents, that is business and resident ratepayers.

Some of the areas ceded by the Police Service to councils would have had an impact on state revenues. It is not known whether the financial impact was material or significant. However, it is noted that the Police Service did not consult with The Treasury when extending enforcement (section 7.2 *Known and Estimated Costs and Revenues* for revenue distribution and 8.6 *Financial Impact of Transfer of Enforcement to Councils* identifies the financial impact of changed responsibilities for enforcement).

The date the Service Agreement is signed by the Commissioner of Police is entered to the records of the Infringement Processing Bureau Commercial Services Unit (IPBCSU). This is not a correct date as the agreement at this time has not been signed (and therefore not concluded) by a council.

Implementation of Changes

North Sydney Council took up the opportunity to enforce the regulations under the new arrangements and was one of the first to be authorised to do so by the Commissioner of Police.

The first Local Agreement (authorised on 16 March 1993) was negotiated for a six month trial period. It provided for PPOs and CLEOs to enforce parking in areas historically reserved for PPOs.

However the agreement provided for CLEOs to enforce only those regulations pertinent to residential parking (although a CLEO was legally entitled and trained to enforce all parking regulations). A CLEO could not, for example, issue an infringement to a vehicle illegally parked in a *No Stopping* or *No Standing* zone; this was the responsibility of a PPO.

However the overall benefit of the change to North Sydney Council (and the local community) was that ultimately the council was able to enforce regulations:

- in areas agreed between the council and the Police Service
- in the whole council area but limited to the evenings until midnight after which time general duties or highway patrol police responded to complaints
- at those times on weekends and public holidays in PPO areas when PPOs are not on duty, that is after 16.00 hours Saturday.

The new arrangements were kept under review and led to:

- additional temporary agreements to provide separate areas of operation for the weekday activities of PPOs and CLEOs
- a transfer back to PPOs of an area (Kirribilli) initially ceded to CLEOs as the level of PINs issued by PPOs declined.

The latest boundary change and a six month trial period commenced on 3 July 1995.

Audit Observations

The new arrangements were introduced over several years. The period was characterised by both good will and some friction between the Police Service and councils.

Evidence suggests that the Police Service and North Sydney Council are currently operating satisfactorily leading to a more effective enforcement of the law. The same may not be said in respect of the City of Sydney and Leichhardt Councils and the Police Service.

The Police Service has not, however, taken the opportunity to draw upon CLEOs to augment a shortage of PPOs in those areas. To do so would likely to deliver a more effective enforcement service.

This is commented on further in section 6.3 *Employee Productivity*.

4.5 Sharing Arrangements

The Police Service by maintaining ultimate control over enforcement:

- avoids duplication of enforcement activity
- is able to maintain revenue to Consolidated Fund at historical levels
- meets the industrial concerns of the Public Service Association of NSW (the union representing PPOs)
- is able to reclaim areas for PPOs whenever the Police Service considers it necessary.

Ceded Areas

Generally speaking areas patrolled by PPOs were not ceded to councils. Councils were generally designated areas or times of the day not patrolled by PPOs.

Exceptions are North Sydney and City of Sydney Councils where non – Central Business District (CBD) areas were ceded to councils (these areas generate less revenue from infringements than CBD areas).

Audit Observations

There are some areas outside of Sydney where it would have been more efficient if enforcement had been ceded to councils rather than retained by the Police Service. This is discussed further in section 6.3 *Employee Productivity*.

Conversely the Police Service relinquished certain areas in the country to councils, 10 in total, where enforcement had been traditionally undertaken by sworn police officers. This action released police resources to concentrate on more pressing duties.

Authorised Councils

As indicated within Exhibit 4 below, 47 councils are authorised to enforce all parking regulations (*Appendix 9.6* refers). There are 130 councils authorised [via Regulation 130A(1)(f)] to enforce a very limited range of parking regulations.

Exhibit 4: Number of Councils Authorised 1993–1998				
Year Ended	Sydney Metropolitan	Non Sydney Metropolitan	Total	Cumulative Total
30 June 1993	6	6	12	12
30 June 1994	4	4	8	20
30 June 1995	7	1	8	28
30 June 1996	-	-	-	28
30 June 1997	7	8	15	43
30 June 1998	3	1	4	47
Total	27	20	47	

Source: Infringement Processing Bureau Commercial Services Unit

4.6 Changing Arrangements

It is approximately seven years since councils were permitted to seek authorisation to enforce parking. During the first three years only was there unrestricted access by councils to such arrangements.

The First Restriction

The first restriction came into effect on 15 August 1995 (three years after the regulations were changed) following representations by the NSW Public Service Association to the Minister for Police. The Minister directed that no further transfers occur to councils for enforcement.

Consequently, and during August 1995 to September 1996, applications to the Police Service by a number of councils for a role in enforcement were left in abeyance.

The lifting of the restriction in September 1996 was conveyed to relevant members of the Police Service on 17 March 1997.

Audit Observations Those councils, which had sought to be authorised had negotiated local agreements with the Police Service and had the necessary arrangements in place to enforce the law, for example the training of employees had been undertaken at the Police Academy in Goulburn. These steps involved some costs to the councils without an accompanying return or benefit.

Correspondence at the IPB revealed three letters from Queanbeyan City Council seeking advice as to progress of its application for authorisation. IPB staff advised of receiving several telephone requests from that council in an attempt to expedite authorisation (to enforce).

The council, which had met all requirements placed on it, appears not to have received a satisfactory explanation in regard to its lack of success in gaining authority to enforce the law.

Second Restriction A second restriction was imposed on 1 April 1997 (Memorandum CM 97/110). This notice directed that no further authorisations to councils be made.

The withholding of authorisation to councils was reinforced in November 1997 when the Commissioner's Executive Team decided that enforcement was not to be ceded to councils. This decision by memorandum from the Deputy Commissioner to the Commander Traffic Services advised that:

- no further negotiations were to occur in regard to the transfer to councils of the enforcement function
- PPOs would be located within regions working out of LACs under the overall command of Traffic Services.

The Commander of Traffic Services was directed to establish protocols for the management, financial issues and deployment of PPOs. Further comment on the role of Traffic Services Branch is made at Section 6.8 *Performance Accountability*.

IDC Decision On 16 March 1998, the *Inter Departmental Committee on the Review of Police Functions* (IDC) concluded that enforcement was a core function of the Police Service. This conclusion was based upon advice received of arrangements for enforcement in United Kingdom and New Zealand.

A week before this decision the Deputy Commissioner (via SN 98/24) advised Local Commanders that parking was core business and no further agreements were to be entered into with councils.

Audit Observation The advice the IDC received was not complete in that no mention was made of the arrangements applying in other states in Australia. The equivalent Police Services in the United Kingdom (notably the City of London non priority routes) and New Zealand are not primarily responsible for enforcement.

Public Statements by the Police Service and Councils On 26 March 1998 the Deputy Commissioner authorised the issue of a Media Release on the role of PPOs. A key comment was that:

in order to maximise the police presence on streets the Commissioner is of the view that on street parking enforcement is a Police Service responsibility which is to be carried out by Police Service employees.

The release also advised that instructions had been issued to Local Area Commanders not to enter into new agreements with councils. It finished by stating that:

current agreements between police and local councils will be reviewed at the end of the agreed term.

The media release by the Police Service drew an immediate response from council representatives. The view of the Local Government Association lies in the following public statement:

Councils have been much more vigilant about enforcing laws that are seen as local priorities.... and...I³ will be urging both the Minister for Police and the Minister for Local Government to intervene to ensure that this decision is reviewed before it is too late.

The disagreement received considerable media attention.

On 30 March 1998 the Deputy Commissioner advised the Minister of Police that notwithstanding the instruction to Local Area Commands not to continue negotiations, a working party (the Adams Committee) had been established to review further the involvement of councils in parking.

Audit Observations In terms of effectiveness the potential benefits from councils undertaking enforcement seem not to have been realised. Indeed the changing nature of the arrangements for enforcement has not been efficient.

The decision that street parking enforcement is core business for the Police Service is at odds with the generally accepted practices internationally and in other Australian states.

³ Local Government Association Vice President

4.7 Ultra Vires Enforcement

The Service Agreement

The Regulations require that a council be “authorised” (to enforce) by the Commissioner of Police.

Until mid 1995 the “authorising” document was the Service Agreement. It defined the terms of enforcement as agreed between the Police Service and a council.

In 1995 the Legal Services Unit of the Police Service reviewed the Service Agreement and in a letter dated 26 May 1995 advised the Acting Deputy Commissioner that, inter alia:

The attached agreement is a division of responsibilities between the parties.

It is not an authorisation pursuant to regulation 130A of the Motor Traffic Regulations. Such an authority needs to be in existence before the agreement can be carried out.

In other words the Service Agreement was defective because any intent by the Police Service to authorise councils (to enforce) via the Agreement did not comply with the Regulations.

To correct the defect the Legal Services Unit advised on 22 June 1995 appropriate wording for *Letters of Authorisation* to be issued to enable councils to enforce the regulations. The *Letters of Authorisation* were to be signed by the Commissioner or his delegate upon completion of a Service Agreement by the Police Service and a council.

Since 22 June 1995 *Letters of Authorisation* have been routinely issued (to councils). However, no *Letters of Authorisation* were issued to councils “authorised” prior to 22 June 1995 despite the need for such a letter having been recognised in 1995.

In the period 1 July 1995 to 14 April 1999 the 28 councils “authorised” prior to 22 June 1995 had issued some 262,000 PINs with a monetary value of \$19.4m.

Local Agreements

The Police Commissioner’s instructions [as to the implementation of Regulation 130A(1)(f1)] render a Local Agreement between a council and local police mandatory prior to a council entering into a Service Agreement with the Police Service. The agreement determines the scope of council enforcement.

Audit Observations The expiry dates of most Local Agreements had passed. The implication is one of the legality of infringements issued in such circumstances. North Sydney Council is an example of a council at which the Local Agreement had lapsed.

Service Agreements and Local Agreements On 24 February 1999 The Audit Office wrote to the Commissioner of Police requesting advice in regard to the legal status of PINs issued for the said 28 councils and also of those councils where local agreements had lapsed. A copy of any legal advice sought by the Police Service was also requested.

The Police Service subsequently referred the matter to the Crown Solicitor for advice.

Crown Solicitor's Advice The Crown Solicitor responded to the Police Service on 19 April 1999 advising that, inter alia:

- the Service Agreement under the Regulations did not constitute an authorisation to a council to enforce parking (this confirms earlier advice given by the Police Service Legal Services)
- authorisation in writing by the Commissioner of Police was a condition precedent to the exercise of a statutory power by a council to enforce parking
- PINs issued by the 28 councils prior to 22 June 1995 (the date when the Police Service became aware that there was a defect in appointment) were probably valid on the principle that the acts of a de facto officer done in an apparent regular execution of office have equal force and effect with those of an officer de jure (according to law)
- PINs issued by the 28 councils since 22 June 1995 were “*probably invalid*” (because the defect in the authorisation to councils had been identified)
- the advice of the Parliamentary Counsel be sought on validating those infringements issued by councils
- *Letters of Authorisation* should be issued immediately to the 28 councils concerned.

The Police Service Legal Services separately advised that the lapsed, that is expired, local agreements had no bearing on legal status of the enforcement activities of councils.

Second Legal Advice In the late July 1999 the Police Service sought further legal advice on the ultra vires enforcement by councils.

- Audit Observations*
- It is understood that the second legal opinion agrees with that received from the Crown Solicitor.
 - neither the Police Service nor the IPBCSU sought to confirm the legality of infringements issued prior to 22 June 1995 by the “authorised” 28 councils. This is despite the concern expressed by the Legal Services Unit as to the absence of proper authority (for councils to enforce)
 - those councils potentially affected by any defect in “authorisations” were not advised of the validity status of infringements issued before and after 22 June 1995

This contrasts with the response by the IPB to Council of the City of Sydney which issued PINs to vehicles parked illegally outside the Council’s agreed patrol area (that is within areas patrolled by PPOs and sworn police officers).

At the request of the Police Service, City East Region, the IPB issued a prompt reminder letter to the Council of the City of Sydney of the agreed patrol areas and the possible withdrawal of the council’s authorisation under section 130A(1)(f1) of the regulations should the practice continue.

- the Police Service, on 15 April 1999, issued *Letters of Authority* to the affected 28 councils to address any potential defect in “authorisations”. The issue of the letters was on the basis that changes to internal Police Service delegations required their issue under the signature of the current delegate.

The Audit Office is awaiting advice from The Police Service as to the date the Parliamentary Counsel was contacted to provide advice on the validation (retrospectively) of infringements issued by councils.

**“Non Authorised”
Councils Enforcing**

The IPB detects the use of “offence type codes” (recorded on a infringement notice) which a council is not authorised to use. In these cases the IPB notifies owners of vehicles that the infringement notice has been withdrawn and refunds fines paid.

There were 7 councils in 1997-98 which issued PINs (for offences) which should not have been issued.

Conclusion

The management of the issue of authorisation of the 28 councils was not adequate particularly in regard to those councils once the defect in authorisation had been identified. Consequently certain infringements issued by councils may not be valid.

4.8 The Infringement Processing Bureau

The Infringement Processing Bureau (IPB), formerly the Traffic Penalties Section, is a unit within the Police Service established to process and generally manage infringements notices issued by sworn police officers and PPOs.

The IPB receives a copy of all infringements issued and broadly is responsible for:

- recording the issue of all infringements
- issuing a “follow up” letter if the infringement is unpaid by the due date
- recording receipt of payment
- initiating court action if requested by the infringed driver
- initiating recovery action if a fine remains unpaid
- terminating enforcement action if the offence is not enforceable (due to a defect in the infringement notice) or waived.

Audit Observation

While the Police Service Act 1990 is very general the Police Service is not required, by law or otherwise, to operate an infringement processing bureau.

A member of the IDC was of a like minded view, indicating that infringement processing was an ancillary task of the Police Service.

Commercialisation

In the early 1990's it was recognised that the activities of the IPB could be utilised by councils and others organisations which issue infringement notices. The Commercial Services Unit of the IPB (IPBCSU) was established for this purpose and in so doing has achieved a profit since inception.

Clients using the services of the IPB are required to use a standard infringement notice. This applies to those councils authorised by the Commissioner of Police to enforce the parking regulations (this requirement is included within the Service Agreement). Other types of infringements issued by councils, for example environmental health fines, are often processed by councils.

The IPBCSU makes a financial contribution to the Police Service from infringement processing fees. Between 1992-93 and 1997-98 an average annual contribution of \$2.9m has been so transferred to the Police Service.

Audit Observations The compulsory use of the IPB for PINs issued by councils (authorised to enforce parking) may comprise a monopoly activity and profit derived (approximately \$1m in 1997-98) may comprise a monopoly profit.

With the introduction of National Competition Policy, price setting for monopoly government services is subject to control. The Independent Pricing and Regulatory Tribunal (IPART) was established for this purpose. Examples are the determination of fares for public transport and charges for monopoly services by water and electricity distributors.

A separate matter is whether the Police Service has complied with the Trade Practices Act given that authorised councils are required to use the services of the IPBCSU.

Conclusion

It could be argued that the processing of infringements is not a core function of the Police Service. If not a core function the processing could be undertaken by another party.

Issues of whether:

- the IPBCSU should be maintained as a monopoly provider of processing services for parking infringements
- a referral should be made to IPART to determine the level of income to be generated by the IPBCSU
- the Police Service is complying with the Trade Practices Act

are matters which warrant review.

5. The Law in Practice

5.1 Introduction

This section comments on the application of the Regulations under the Act. Matters covered include:

- the determination of parking limitations and restrictions
- maintenance of parking signs and parking meters/ticket machines
- the clarity of the law
- discretion and rules
- alternatives for enforcement.

5.2 Parking Restrictions

Determination

Parking restrictions on non classified roads are determined by the local council based upon road safety and traffic management advice from the Local Traffic Committee.

The Local Traffic Committee is based on the geographical area of a council and comprises the local Member of Parliament (normally a representative) and representatives of the local council, the “local” Police Service and the RTA. The Committee is supported administratively by the local council.

After hearing representations the committee decides, in respect of non classified roads, on:

- traffic calming and road closures to promote desired traffic flows
- parking restrictions for traffic flow or pedestrian safety
- parking restrictions to meet the need for access to parking on local streets.

The RTA is responsible for making decisions about traffic flow and parking on classified roads, the latter extending across councils’ boundaries.

Audit Observations

The committee’s role is primarily concerned with decisions in regard to parking restrictions. Enforcement is a secondary matter. Accordingly the committee is not a key player in ameliorating the pressures on parking.

5.3 Signage

Parking, that is traffic control, signs are displayed at the kerb side and advise drivers as to the type and availability of parking in the vicinity of the sign.

Both the Regulation and any prohibition under a traffic control sign must be complied with. However, where a parking sign conflicts with a parking regulation, the sign has precedence.

Complexity

The instructions on signage are often complex. Multiple messages on one half of a sign may indicate for example:

- a *No Stopping* restriction during certain hours (peak hour) on specified days
- one hour limited pay parking during defined business hours on specified days
- four hour limited pay parking during defined evening hours on specified days; and (by absence of instruction) free unrestricted parking at other times.

The messages on the other half of the sign could be just as complex. This complexity is evidenced in the city of Sydney (between Market Street and Broadway) where there are some 190 different restrictions indicated on approximately 2,900 signs.

Optimising the use of limited parking space means changing the allowable use of the roadway a number of times during the day. This is a factor which also contributes to complexity in signage.

Alternatives

Consideration has been given to improving the street environment by eliminating signs and introducing painted markings on the road to indicate restrictions. Road markings currently enforceable are those which indicate a “clearway”. More recently, *No Stopping* areas adjacent to pedestrian crossings are indicated by the use of red painted lines on the roadway, however, the latter are not currently enforceable.

However other road/kerb side painting is not practical because of the number and complexity of parking restrictions.

Signage Responsibilities

Maintenance of signage is a critical issue for parking enforcement. Damage to and theft of signage is a common ploy to prevent enforcement of the parking law.

The RTA has overall responsibility for signage but has delegated to councils the authority to install and repair signs. Signs can only be installed or modified with the agreement of the Local Traffic Committee and/or RTA and Police Service.

PPOs report defective/missing signage but have had reason to complain about delays in the repair/replacement of signage. Typical replacement times quoted are in the order of 2 to 4 weeks. During this time PPOs do not issue PINs in parking spaces affected by defective signage.

Council staff, that is CLEOs at Leichhardt and City of Sydney indicated that replacements/repairs could be expedited if councils were to stock typical signage. North Sydney Council advised that it holds stocks of typical signs while non typical signs are produced and in place within 48 hours.

5.4 Pay Parking Arrangements

Ticket machines and parking meters are owned and operated by councils which receive the income generated by their usage.

Signage indicates the existence of both pay parking and a maximum parking period (which may vary with the time of day). The charge rate per hour (which may also vary with the time of day) is indicated on the parking machine.

The Council of the City of Sydney almost uniquely uses ticket machines. North Sydney Council uses numbered parking bays with a central parking meter.

Ticket Machine Failures

A failure by a ticket machine or parking meter to operate correctly does not alter the maximum allowable time to park a vehicle (as indicated on the sign) but it does confuse drivers attempting to use the machines.

Machine failure not only results in a loss of income to the Council but enforcement action must rely on time recording as indicated by “chalking” a vehicle’s tyres.

PPOs reported that a very high proportion of ticket machines of the Council of the City of Sydney are out of service at one time, or slow to be repaired.

The Council of the City of Sydney staff do not agree and quote statistical data taken by survey to support ticket machine availability. Nonetheless the Council is upgrading the machines to be more reliable.

A significant problem is damage to the coin slot by persons attempting to steal coins or by drivers attempting to jam the slot of the machine to avoid payment.

In the short term, a parking ticket machine availability of 95% is considered achievable following alterations to machine coin slots and paths. A longer term solution to improve machine availability is the use of stored value cards in place of cash.

The North Sydney Council parking meters were reported by PPOs to be very reliable, not subject to vandalism or theft, and repaired quickly when reported damaged. The Traffic Engineer advised that the breakdown rate for parking meters is less than 1% in North Sydney.

Audit Observations

Some PPOs do not chalk tyres regardless of whether the machine/meter is operating or not. This could be driven by the knowledge that the PPO will not be able to return to that location in time to issue an infringement for any vehicle in breach of the law. Nevertheless a failure to “chalk” does impact upon enforcement of the law despite other mitigating circumstances.

Arrangements are in place whereby enforcement officers advise suppliers of parking machine and signage of required maintenance. However, there is some dissatisfaction with the level of service so provided. The introduction of a Service Level Agreement appears warranted to address this concern.

5.5 Clarity of the Law

It is not ordinarily possible for the law to be definitive in all circumstances and the law in regard to parking, like other laws, is open to interpretation. In certain cases ambiguity in the law has been clarified by decisions of magistrates. In practice the issue of interpretation is addressed by one of the following means (by):

- direction to parking officers (see also the section 5.6 *Discretion* and 5.7 *The Rules*)
- a driver inquiring as to the circumstances of an infringement

- a driver electing to have the matter proceed to Court. In this case the magistrate interprets the law in the particular case and for future reference. Alternatively the police prosecutor may advise that the matter not proceed (because of doubt in enforcing the infringement) and the infringement is cancelled. Evidence indicates that it is rare for a magistrate to conclude that there was not an offence.

Matters of interpretation and some common breaches of the law are discussed hereunder.

No Standing

A motor vehicle is not permitted to stand or wait in a *No Standing* area unless it is actually engaged in letting down or taking up a passenger. The actions of an intending passenger can be significant in terms of when the actual process of taking up a passenger commences. For example

if a driver has sight of a school child approaching his/her vehicle across a school playground then the driver is actually engaged in taking up the passenger. If the child were to stop walking towards the vehicle to talk to another person, the vehicle would no longer be actually engaged in taking up an intending passenger and would be illegally parked.

The *Parking Patrol Officers Manual* (December 1993) advises PPOs that when a vehicle stops any passenger must be ready to enter or leave the vehicle immediately. This advice appears in conflict with at least one common law decision.

To provide commonality in approach, NSW is to adopt the *Australian Road Rules* proposed to take effect across Australia in December 1999. *No Standing* will cease to be used; it will be replaced by *No Stopping* or other zoning as is considered consistent with the rules.

Transitional arrangements will apply initially.

No Parking

A motor vehicle is not permitted to stand or wait in a *No Parking* area unless it is actually setting down or taking up a passenger or goods. The type of vehicle is not relevant nor is the time taken, provided the taking up or setting down process is actually occurring.

A significant issue again is what is occurring away from the vehicle. For example:

a courier collecting parcels from a building could leave a vehicle locked and unattended for several minutes but the courier is arguably involved in the process of actually taking up goods. But on the face of it the vehicle is illegally parked.

The *Parking Patrol Officers Manual* advises PPOs to allow a “brief period of time” to establish whether loading or unloading has taken place before an infringement is issued.

Under the proposed changes to *Australian Road Rules* referred to earlier, vehicles standing in *No Parking* areas will be restricted to a maximum time of two minutes and a driver is not to be more than 3 metres from the vehicle during this period.

Loading Zone

Any motor vehicle is permitted to stand in a loading zone whilst a person is actually entering or alighting from the vehicle. Otherwise a vehicle is not permitted to stand in a *Loading Zone* unless it is actually engaged in taking up or setting down goods, and is the type of vehicle described in the regulations.

A station wagon or a three wheel motor cycle constructed principally for the conveyance of goods may stand in a *Loading Zone* for a maximum of 15 minutes. Any other form of motor vehicle constructed principally for the conveyance of goods may stand for a maximum of 30 minutes – while actually taking up or setting down goods.

Again concern arises, principally with station wagons, as to whether a vehicle is associated with the actual taking up or setting down of goods.

Although the regulation is quite clear as to the types of vehicles permitted to stand in a *Loading Zone*, questions do arise. Clarification is sometimes required as to which type of motor vehicle may not legally stand in a *Loading Zone*. Excluded vehicles include motor cycles, motor cycles with passenger sidecars, sedans registered as business vehicles and “four wheel drive” sedans.

Truck Zones

Any vehicle is permitted to stop in such a zone while a person is actually entering or alighting from the vehicle.

A vehicle constructed principally for the conveyance of goods, other than a station wagon or a three wheel motor cycle, may stand in a *Truck Zone* to a maximum of 30 minutes while it is actually engaged in the taking up or setting down of goods.

Experience suggests that the law is a source of frustration to some trades people. If a vehicle is too large to use an off-street parking station then street parking needs to be found. A *Truck Parking* sign may appear to provide relief because it indicates no maximum parking time. But the Regulations and the *Road Users Handbook* are quite clear as to the permitted time to park.

“Meter Feeding”

The term “meter feeding” relates to the practice of:

- inserting additional coins into a parking meter when the paid period has expired or is due to expire
- purchase of an additional ticket for display in the vehicle when the current ticket is due to expire.

Payment for additional parking time does not remove the obligation on a driver to move a vehicle from a parking position by the end of the maximum permissible time (for parking).

Meter feeding is an attempt to defeat the law and frustrate an objective of limited time parking – that is providing an opportunity for other drivers to share a limited resource.

In the unlikely event of a driver being detected in the act of meter feeding, parking beyond the permissible time can only be detected by “chalking” of tyres.

“Rolling”

The term is used to describe the rolling of a vehicle in an attempt to cover or rub out a chalk mark (placed on the tyre) by an enforcement officer. The purpose of rolling is to extend the time a vehicle can park beyond the permissible time.

Rolling is an example of a common practice, which, although illegal, is considered by many to be an acceptable practice to negate the law.

Changing Bays/Spots

A driver parked in a time restricted zone and wishing to extend a “stay,” may seek to park in another nearby bay/spot. In doing so drivers believe incorrectly, that the law has been complied with. Simply moving the car to a vacant space one or more cars ahead/behind does not result in the vehicle vacating the parking zone⁴. It is legal however, for the driver to drive, for example, around the block (that is vacate the parking zone) and return to the same bay/spot if vacant.

Defective Machines

A defective parking meter or ticket machine does not result in unlimited “free” parking beyond the permissible time.

A driver will not be infringed for not paying the parking fee if a machine will not accept coins or issue a ticket – and many drivers leave a note to this effect in clear view on the dashboard of the vehicle.

But a driver can be infringed for exceeding the maximum parking time on a sign/machine even though a machine is defective.

The practice of infringing in the case of defective equipment when the permissible time has been exceeded is generally supported. However, ambiguity does exist, the issue of an infringement in such circumstances is not supported at one LAC.

Parking on Footpaths

Parking a vehicle on the footpath is not a parking offence in NSW. This contrasts with South Australia and Victoria.

A vehicle which is parked on the footpath can be infringed under Regulation 81(1). This regulation requires a vehicle to park “close and parallel” to the kerb to the vehicle’s left. In the case of a one way street the wording is extended so as to provide similar enforcement powers.

Vehicles parked on footpaths can be infringed for obstructing pedestrian traffic, but only if the enforcement officer observes a pedestrian being obstructed.

Vehicles parked on the footpath cause a hazard to pedestrians, especially the sight impaired, and to users of wheel chairs and motorised vehicles (to transport disabled persons).

⁴ The parking zone is the area between two parking signs. The zone normally comprises a number of parking bays/spots.

Vehicles parked partly or fully on footpaths can also damage kerbs and paved surfaces or lead to higher maintenance costs of unpaved surfaces, especially after heavy rain. Damaged and broken footpath surfaces also create a safety hazard for pedestrians.

However, parking on the footpath within some Sydney inner city areas such as Balmain, is a response to what is a road engineering problem. Where this is the case appropriate signage should be provided to supplement what is an engineering solution. For example, on one side of the street parking is not permitted.

The *Road Users Handbook* does not mention specifically the common practice of parking on and along the footpath.

Exhibit 5: Examples of Illegal Parking on Footpaths



Source: Pedestrian Council of Australia

It is an offence to drive a motor vehicle on a footpath (except for certain vehicles) other than for the purpose of driving directly across the footpath to access a property. Parking on the footpath requires driving on the footpath, but this is a “moving” (traffic) offence only enforced by a sworn police officer.

Disabled Drivers

Disabled drivers, or those responsible for transporting disabled persons, may be issued with a *Mobility Parking Scheme Authority* by the RTA.

Vehicles displaying the authority (and subject to certain conditions) have access to unlimited parking at no cost in specified locations (which are usually identified by a blue wheelchair symbol).

A 1999 NRMA report (which quotes data of the Council of the City of Sydney) identifies 32 spaces available in the city of Sydney for exclusive use by authority holders. The same data indicates that on a daily basis between 200 and 800 vehicles (bearing an authority) park in most instances for an unlimited time and at no cost in the city's 4,000 street parking spaces.

Councils have an interest the matter being resolved and for two reasons: income protection (where pay parking exists) and equity considerations (access to limited parking space by other drivers). The NRMA report mentioned above has provided an impetus for change.

Multiple Infringements

Interpretation and practices vary in regard to the infringement, more than once, of a stationary vehicle in breach of the parking law. Related instructions to enforcement officers are:

- if a stationary vehicle gives rise to more than one parking offence, only one notice is to be issued in respect of the offence, that is the offence which is considered to be of the more serious nature
- if a vehicle has been issued with an infringement for an offence and the vehicle continues in breach the law, no further infringement may be issued on that day.

These instructions (based on an interpretation of the law arising from a decision by a magistrate rather than statute) are commonly described as:

- “one offence per day”, but
- “a new day brings a new offence”.

The Traffic Services Branch indicates that it is legitimate to infringe a stationary vehicle more than once per day provided the nature of the parking restriction changes, for example from one hour limited parking to *No Standing* as the evening peak approaches.

This approach to multiple infringement (as the offence changes) was generally agreed by the Police Service and Senior PPOs at most LACs visited. A difference of opinion is held at one LAC where the “one offence per day” rule is followed at all times.

The “new day brings a new offence” ruling is not always correct either, according to advice from the Police Service. If the vehicle remains stationary and the signage does not change with the time of day then a driver offends only once and one infringement only should be issued.

The issue of multiple infringements is not addressed in the *Road Users Handbook*.

Conclusion

The absence of clarity in the law and its interpretation, will result in standards of compliance and enforcement which are not consistent. This does not assist:

- drivers to comply with the law (and may encourage some to disregard the law) or
- enforcement officers in supervising compliance with the law.

The *Road Users Handbook* does not provide sufficient advice to drivers as to the parking law.

5.6 Discretion

Discretion

Parking enforcement officers have discretion in deciding whether to report offences. Whenever the law is not enforced strictly a reason is often the exercise of discretion.

Where a direction is given as to how discretion is to be exercised in specific instances, or how common law is to temper the application of the statute law, these directions are referred to as rules. For example:

A common exercise of discretion by a parking enforcement officer may be to permit a brewery delivery truck to stand in a *No Standing* area while unloading to a hotel basement.

A rule may be a direction by a Traffic Sergeant to parking enforcement officers not to issue an infringement against brewery delivery trucks parked contrary to signage if the practice does not create a safety hazard.

A commonly used rule (which is an exercise of discretion) is the “one infringement per day” rule.

View of Former Chief Justice

One view of the exercise of discretion can be found in the writings of Mr A M Gleeson AC, then Chief Justice of NSW, now Chief Justice of the High Court of Australia.

Extracted from the paper *Police Accountability and Oversight: An Overview* are the following comments:

Police do not exercise legislative power: that is to say, they do not make laws. ...important is the need to guard against vesting in the police discretionary powers to dispense with compliance with the law. It is not the function of police to make the law or to decide by whom, and to what extent, the law is obeyed.

It is not part of the function of the police to exercise judicial power. It is for the judiciary, not the police, to determine whether people are guilty or innocent of crimes, and it is for the judiciary, not the police, to punish people who have broken the law.

This is a view supported by those who maintain that parking law should be enforced on a zero tolerance, no discretion basis.

View of the Police Service

An alternative view is expressed in *Police Service Regulation 1990, Clause (7)*, which is quoted in Police Service training material on police powers:

Police officers must be strictly impartial in the discharge of their duties to all persons. While required to zealously carry out their duties, officers must exercise forbearance and discretion in dealing with minor offences committed inadvertently or in ignorance, or without evil intent, by respectable and law abiding citizens. A caution or warning is all that is necessary on many occasions.

PPOs and CLEOs adopt the above approach. PPOs are under the control of the Police Service while CLEOs are trained by the Police Service.

View of the IPB

The subject of discretion is treated similarly under the area of Professional Responsibility in the IPB SEINs Client Training Manual and in the *Parking Patrol Officers Manual*. These documents take a comparable approach to that in the Police Regulations quoted above.

Audit Observations

This right to exercise discretion brings with it the need to demonstrate accountability.

The Interim Report of the Wood Royal Commission into the Police Service found the abuse of discretion through the lack of effective supervision as one of the greatest problems confronting the Police Service.

Evidence collected indicates that the use of discretion and accountability are issues faced by PPOs and sworn police officers. There are claims of lack of impartiality in enforcement. Industrial sensitivity currently does not permit close supervision of enforcement officers.

Ultra Vires

An issue arising is whether a council, under pressure from ratepayers, could legally pass a motion not to enforce a parking regulation(s).

Material of a similar nature referred to the Ombudsman, indicates that a decision by council not to enforce a law is ultra vires.

Resource Allocation

A further issue is whether the Police Service or a council may determine priorities for the enforcement of the law so as to result incidentally in the non enforcement of particular offences and/or the absence of supervision at particular locations.

Audit Observations

It is logical to allocate limited resources on the basis of priorities influenced by complaints.

The situation highlights that the decision by the council referred to earlier (which was seen as ultra vires) could have achieved the desired outcome if the council had exercised its right to allocate limited resources to enforcement on a priority basis (discretion).

There are however, limitations to the extent to which allocation of limited resources can be used to justify no actioning illegal parking at certain locations over long period of time.

Evidence was provided (Exhibit 6 refers) to The Audit Office, supplemented by observation, which identified illegal parking over an extended period by the same vehicles within 100 metres of Sydney CBD Police Station. A review of the Traffic Penalties System disclosed that the offending vehicles were rarely, if ever, infringed in 1997-98 and 1998-99.

**Exhibit 6: Illegal Parking within 100 Metres
Sydney CBD Police Station**



Source: Pedestrian Council of Australia

When a complaint was made to the Police Service about this illegal parking the Commander of the Traffic Services Branch responded to the complainant:

.....until the outcome of the Auditor-General's review is know it is not considered appropriate to comment further on the issues raised.....

It is considered that resource constraints and this audit cannot be claimed in this particular situation as reasons for not enforcing the law. Each seems to point to maladministration.

Conclusion

Applying the letter of the law is not always appropriate in each and every case when a breach of the law occurs. Therefore an ability to exercise discretion in the enforcement of the law is appropriate in certain limited circumstances.

It is also evident that the parking law is not being enforced by either the Police Service or councils in some instances although it should have been. Ultimately these matters lead to an abuse of parking law and the public being confused and potentially placed at risk.

5.7 The Rules

The “rules” of enforcement are an attempt to achieve consistency in the application of the law for example, where the law is open to interpretation or where the law is silent. Rules also provide guidance in the exercise of discretion where the use of discretion is considered appropriate.

In most cases the rules are provided by local police and/or councils and thus reflect the local environment including traffic needs. Consequently there is not necessarily consistency between decisions of PPOs attached to different LACs and /or CLEOs from different councils.

Audit Observation The attempt to introduce clarity to the law by the introduction of a rule has resulted in a different interpretation to the rule itself. Conversely clarity by way of guidance for all has not always been provided although it is needed.

Request to “Move On” Many PPOs and CLEOs operate to the rule of requesting a driver to “move on” if a vehicle is stopped illegally and usually no infringement is issued to a driver of a vehicle in question. A positive outcome is that the obstruction is cleared in minimum time.

This rule is officially sanctioned, as evidenced in a 1998 letter from the Director General of the Ministry of Police to the Pedestrian Council of Australia:

It is the practice to actually direct vehicles occupied by a motorist to move any vehicle illegally parked rather than compound the problem by continuing the obstruction or other offence while an infringement notice is prepared and given to the motorist. This is particularly the case when no stopping restrictions are in force.

Audit Observations The unintended outcome of this rule is that the driver may be encouraged to re-offend given the right circumstances.

An alternative course of action is for the enforcement officer to record the registration number of the vehicle (before “waving the vehicle on”) and mailing the infringement to the address of the registered owner.

An enforcement officer (other than a sworn police officer) does not have the authority to infringe a driver who fails to follow a legitimate direction.

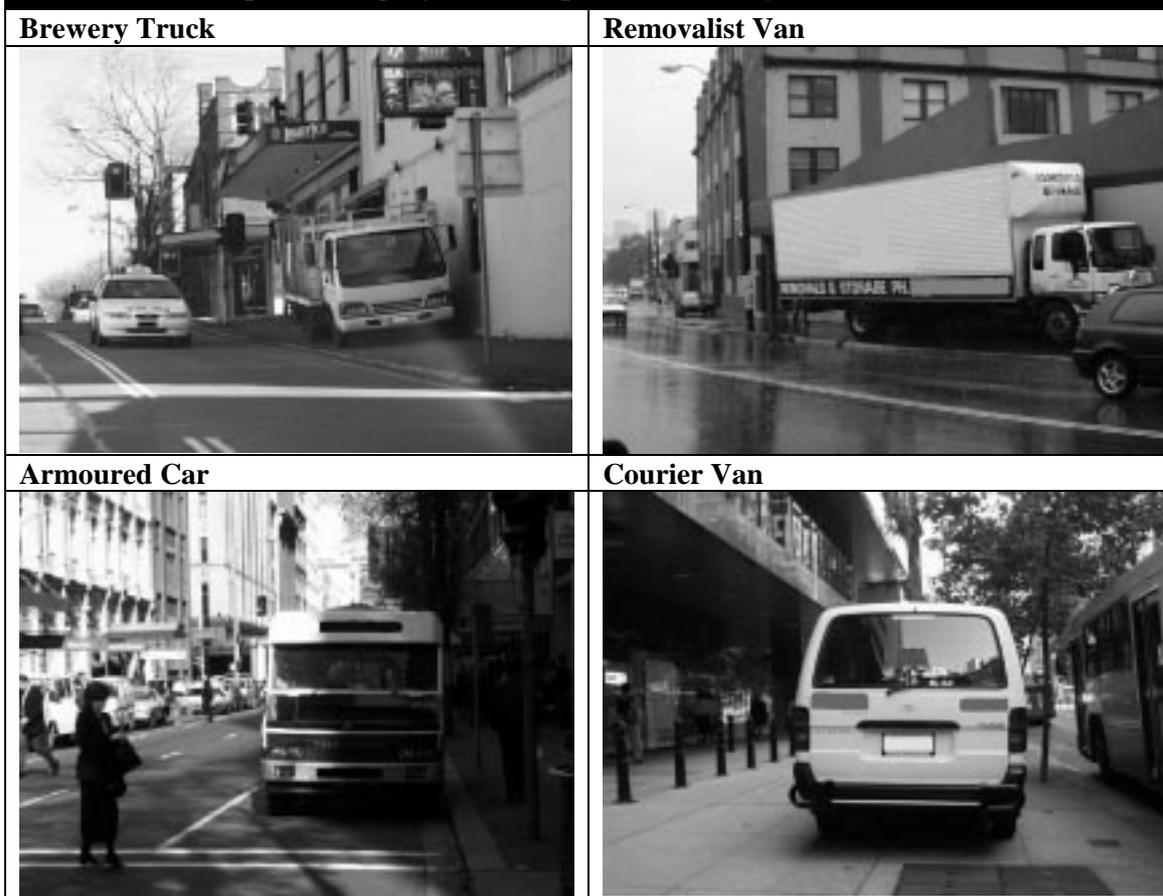
Specialist Vehicles The approach to specialist delivery vehicles, parked illegally, varies. Specialist delivery vehicles include armoured cars, brewery trucks, meat delivery trucks, plate glass delivery trucks, removalist vans, paper delivery trucks, courier vans and some construction vehicles.

The response varies from:

- zero tolerance to acceptance if the vehicle is parked in a manner not causing a danger to the public
- to tolerance for a “negotiated” time
- to a formal system of documented “permitted parking” by prior application. Similar arrangements apply interstate.

Parking in this manner occurs because access is required close to the point of delivery or collection. Parking may legally occur within *Loading Zones* and *No Parking* zones. But a breach however, occurs when the specialist vehicle is stopped in *No Stopping* or *No Standing* zones.

Exhibit 7: Examples of Illegally Parked Specialist Delivery Vehicles



Source: Pedestrian Council of Australia

Audit Observations Many members of the public are offended that the parking regulations are not enforced for specialist vehicles. Others see the lack of compliance (arising from the lack of enforcement) as placing the public at risk to the dangers that the restrictions are intended to minimise.

Parking as is occurring by specialist vehicles should not be permitted unless appropriate arrangements are made, for example, barricading the area used by vehicles of this type, warning signs and traffic and pedestrian control personnel. Alternatively a council could establish special parking zones for vehicles of this type.

Council and supervisors of PPOs interviewed during the course of the audit indicated a varied response to the enforcement of the law in regard to specialist vehicles. From direct audit observation it is apparent that many specialist vehicles are not infringed although illegally parked.

In one LAC the Traffic Sergeant took the approach of managing the potential for non compliance in a construction area by issuing a "Permission to Park" notice that overrode local signage. This is an extreme use of discretion through the use of the local rules.

In other states security vans can be exempted from the law on parking (it is understood for reasons of security and public safety).

Taxis The Sydney CBD area includes a number of special *No Stopping* zones which permit taxis to stand for 1 minute to pick up and set down passengers. Otherwise taxis may pick up and set down at any location other than *No Stopping Zones* and *Bus Zones*.

The survey conducted by AC Nielsen (section 6.7 *Compliance Measurement* refers) identified that taxis are major offenders in the Council of the City of Sydney area.

As at 31 December 1998 there were approximately 4,200 taxis cabs in the Sydney metropolitan area. In 1997-98 2,099 or 50% of taxis received at least one PIN.

Exhibit 8: PINs Issued 1997-98 to Taxis in Council of the City of Sydney Area				
	Police Service (Note 1)	Council (Note 2)	Variance in Police Service PIN Issues	
PINs Issued in Total	735	942	(207)	(22.0%)
PINs Issued for Stopping in "No Stopping" Zones	249	634	(385)	(60.7%)

Source: The Audit Office Analysis

Notes:

1. Infringements issued by sworn police officers and PPOs within the Police Service City Central and The Rocks LACs have been combined. The Police Service enforcement patrol area is within an area bounded by The Rocks, Broadway, Darling Harbour and Macquarie/Elizabeth Streets
2. The Council of the City of Sydney enforcement patrol area is within the areas of Millers Point, Pyrmont, and Ultimo
3. Owner onus statutory declarations (X prefixed infringements) have been excluded. For an explanation of this term see "Glossary of Terms"

Exhibit 9: Taxi Illegally Standing (No Stopping Zone)



Source: Pedestrian Council of Australia

Audit Observations The arrangements to provide for taxis are often broken and the law often breached.

Taxis double park and halt in *No Stopping* and *Bus Zones* to the detriment of traffic flow and vehicular/pedestrian safety.

Other observations are that:

- taxis are not infringed for double parking during set down/pick up of passengers
- taxis are not infringed for setting down/picking up passengers in *No Stopping* zones
- construction vehicles are not infringed for long term parking on footpaths and in *No Stopping* and *Taxi* zones
- brewery delivery trucks and armoured cars parked at intersections in *No Stopping* zones are not infringed
- private vehicles belonging to construction workers are parked all day in limited time parking zones by displaying Mobility Parking Scheme authorities.

The variance in PINs issued for breaches by taxis by PPOs and CLEOs is unusual given that the PPOs have the prime enforcement areas in the Sydney CBD, and indicates that PPOs are not enforcing the regulations in regard to taxis to the extent warranted.

Education of both taxi drivers and the public is required with reinforcement through enforcement.

5.8 Frequent Offenders

Non Compliance in 1997-98

In 1997-98 the equivalent of 1 in 7 or 14.2%, of the 3.5m registered vehicles in NSW as at 30 June 1998 were infringed at least once (Exhibit 10 refers). The exhibit also shows that the owner of one vehicle (privately owned) was infringed on 146 occasions.

Exhibit 10: Frequency of PIN Receipt in 1997-98 (by Registration Number)			
Number of Offences	Number of Vehicles	Infringements Issued	Monetary Value of Offences
100-150	1	146	9,606
81-90	3	253	16,974
71-80	2	150	9,902
61-70	6	383	25,677
51-60	28	1,516	102,576
41-50	35	1,584	104,457
31-40	93	3,168	210,100
26-30	152	4,247	279,841
21-25	279	6,357	424,442
16-20	712	12,533	834,214
11-15	2,225	27,710	1,840,612
10	960	9,600	640,915
9	1,312	11,808	790,541
8	1,970	15,760	1,049,242
7	2,896	20,272	1,361,370
6	4,634	27,804	1,878,887
5	7,521	37,605	2,545,770
4	14,122	56,488	3,850,182
3	29,899	89,697	6,178,351
2	80,159	160,318	11,182,453
1	349,957	349,957	24,870,633
Total	496,966	837,356	58,206,735

Source: The Audit Office Analysis

Audit Observations

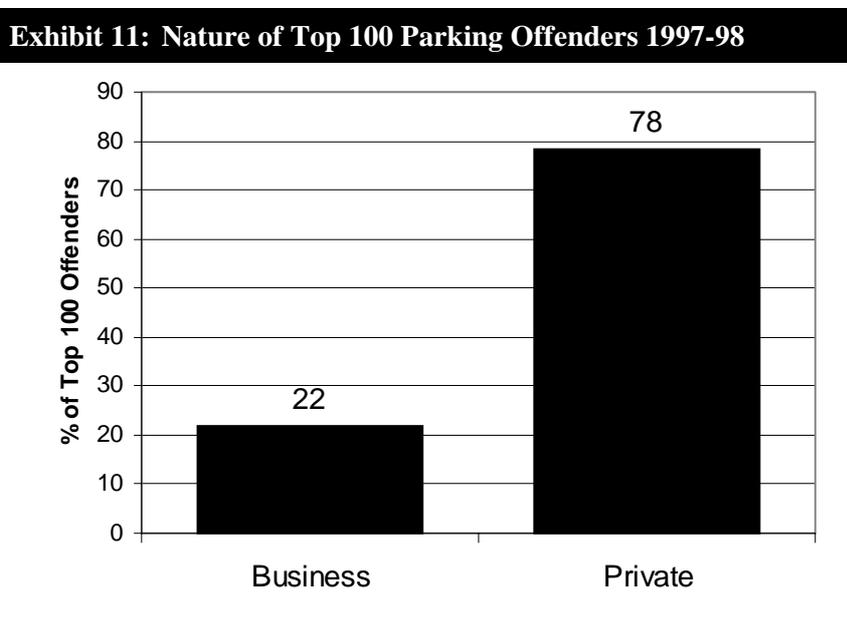
The level of PIN issues is not an accurate indicator of the level of compliance, or non-compliance, with the law (section 6.7 *Compliance Measurement* refers). Also no public education campaigns have been conducted about parking compliance and the *Road Users Handbook* is silent in this area.

As indicated by Exhibit 10 some of the motoring public have little regard for the parking law given the level of infringements issued.

Commercial Vehicles

Based upon PINs issued in 1997-98, commercial vehicles comprised 22% of the 100 drivers (not necessarily owners of vehicles) who breached the law most regularly (Exhibit 11 refers). Responsibility for the offence has however been accepted by the employer rather than passed to the driver of a vehicle committing the offence.

The 100 owners of vehicles which offended most often in 1997-98 includes proprietors of armoured vehicles and couriers.



Source: The Audit Office Analysis

Audit Observations

A review of data maintained by the IPB indicates that some commercial organisations pay, as a matter of course, fines incurred by employees in the conduct of their employer's commerce.

The practice tends to demonstrate that some commercial organisations, in effect, sanction employees in the breach of the law in the name of commerce.

The expenditure, although not an allowable deduction under the Income Tax Assessment Act, may also be subject to Fringe Benefits Tax.

In the NSW public sector during 1998-99, the State Mail Service paid approximately \$3,500 in fines for offences incurred by employees. It is understood other NSW public sector agencies have acted similarly.

5.9 Enforcement Alternatives

One Infringement Per Day	A driver knowing, or suspecting, his/her vehicle has been infringed for a parking offence is given no incentive through “one offence per day” to return to the vehicle and move it. So doing would at least provide access to limited parking space for other drivers. This situation can be addressed in two ways: multiple infringements and a sliding monetary scale for infringements.
Multiple Infringement	Some jurisdictions, such as the City of Adelaide Council, permit multiple infringements for the same offence on the same day. This approach is used mostly for frequent offenders and is facilitated by access to infringement data via hand held computer. Similar technology is not used in NSW and the Regulations would require amendment in this state to parallel the situation in South Australia. The Regulations are silent on multiple infringements but in practice one infringement per day applies (refer Section 5.5 <i>Clarity of the Law</i>).
Sliding Scale for Penalties	Certain jurisdictions provide for the quantum of a fine to increase in certain circumstances. That is where a vehicle exceeds the permissible parking time, the quantum of the fine increases relative to the increase in time that a vehicle is illegally parked. For example overstaying the permitted parking time by 4 hours attracts a greater penalty than a 1 hour overstay. In NSW the penalty amount for time parking is fixed regardless of duration. It is noted that variable time based (less than 1 hour and more than 1 hour) penalties apply for breaches of “No Parking”.
Wheel Clamping	Wheel clamping is not used in NSW. Its use for off-street parking was banned in NSW some time ago. It was unpopular but effective in achieving parking compliant behaviour.
Tow Away	“Tow away” arrangements were used in NSW as part of parking enforcement, and in fact still exist in the statute books. Its use however, was terminated by a decision of the Government in the mid 1970s as a consequence of public antipathy and the costs associated with the provision of secure storage. “Tow away” is used with roads subject to a “clearway” restriction but the offending vehicle is towed to the nearest available parking space off the “clearway”. Councils may tow away, at their own cost, vehicles believed to be abandoned or dangerously parked.

Dangerous Parking Offences Currently a potentially dangerous parking offence does not attract demerit points (in terms of the driver's capacity to retain his/her driver's licence). Demerit points are primarily associated with traffic offences, that is "moving" vehicles, for example, speeding.

In March 1998 the Minister for Roads proposed that there be 3 demerit points for the offences of:

- *standing*, that is parking, contrary to *No Stopping* or *Clearway*, *Transit Lane*, *Bus Lane* or *Buses Only Lane*
- *stand* (park) on a *bus stop*, *stand* or *zone* situated on a *Clearway*, *Transit Lane*, *Bus Lane* or *Buses Only Lane*.

The proposal was subsequently withdrawn.

Audit Observation The introduction of demerit points for certain offences, for example, parking in *No Stopping* zones or *Clearways*, seems to have merit.

It may be worthy of consideration in situations of employees committing offences in the conduct of commerce on behalf of their employer in the knowledge that the employer will pay the fine.

Conclusion There are a number of enforcement alternatives used in other states which could be considered (or reconsidered) for use in NSW to improve compliance with law.

6. The Management of Enforcement

6.1 Introduction

This section reviews the management of enforcement including:

- human resources management
- the use of information technology
- better practice and key performance indicators
- standard operating procedures
- compliance surveys
- performance accountability and statewide co-ordination

6.2 The Workload and Staffing Levels

The enforcement workload has increased as illustrated by:

- the intensity and complexity of parking restrictions and pay parking arrangements in CBD areas in the past 10 to 20 years
- the number of registered motor vehicles in NSW. In the 8 year period 1989-90 to 1997-98, the number increased by 269,000 (or 8.3%) to 3.5m (Exhibit 12 refers).

PPOs

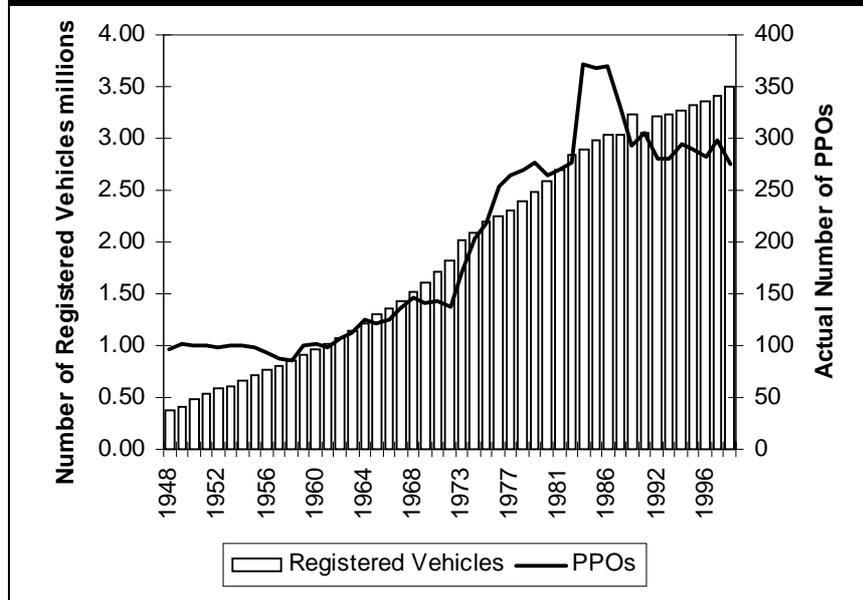
The number of PPOs is limited to an authorised level, known also as the staff establishment. The initial staff establishment was authorised at 100 positions in 1946 and is now currently 318 positions.

The reason for the increase (and at time falls) is not clear, especially in regard to the recent past.

Since the mid 1980's the actual number of PPOs has declined (Exhibit 12 refers). In fact in the last 8 years the number fell by 29 or 10.5% to 277 as at 30 June 1998.

In 1995-96 the actual PPO staffing was 10.1% below the authorised establishment of 318 while in 1997-98 it was 12.1% below.

The situation deteriorated further in 1998-99 because of natural attrition. The recruitment of PPOs was suspended during reviews of enforcement arrangements by the Police Service and The Audit Office.

Exhibit 12: Number of PPOs and Registered Motor Vehicles 1948–1998

Source: The Audit Office Analysis

Audit Observations

The number of PPOs appears to be based upon funding availability and historical staffing trends.

Staffing below the authorised level means that funds earmarked for enforcement are able to be reallocated to priority policing activities. This re-allocation should increase the effectiveness of policing generally, but is likely to reduce the effectiveness of enforcement of the law in regard to parking.

There is little if any, correlation between the number of PPOs employed to enforce the law, the number of registered vehicles using the roads, the number of available parking spaces and parking complexity.

Representatives of LACs visited during the course of the audit indicated a need for additional staff to provide coverage on all “beats” because in most cases PPOs were rostered to provide coverage of those “beats” generating most complaints arising from an alleged lack of enforcement.

Supporting this view is the advice of the Adams Implementation Team, which is currently assessing the staffing levels of PPOs. The assessment indicates the need, for example, to triple the number of PPOs in the City East Region.

CLEOs

No data is available to compare the actual and authorised staff establishments for CLEOs. Anecdotal evidence suggests that councils generally fill authorised positions as a vacancy occurs.

The staffing levels of councils (for enforcement) are based on need. Certain councils indicated that increased staffing could be provided if councils had more certainty as to the future of councils in enforcement. This uncertainty arises because of:

- limited term local agreements between councils and the Police Service
- the ability of the Police Service (and the council) to cancel a Service Agreement by providing 30 days notice (to terminate)
- the recent insertion of a clause in local agreements requiring councils to relinquish areas (ceded to councils) when so requested by the Police Commissioner.

Audit Observation

Councils do have an incentive to maintain staffing levels at the maximum of authorised levels because revenue received by councils from infringements exceeds the cost of providing the service.

The above factors are, however, a disincentive to a council to appoint staff beyond those that are able to be absorbed into other enforcement duties (of councils) should a Service Agreement be rescinded by the Police Service.

Conclusion

The number of PPOs is not commensurate to the task of enforcing the law. Compared to CLEOs PPOs are staffed at a lower level.

6.3 Employee Productivity

As illustrated by Exhibit 13 below the number of PINs issued during the period 1989-90 to 1997-98 declined.

Exhibit 13: PIN Issues 1989-90 Compared with 1997-98				
Issuing Authority	1989-90	1997-98	Variation 1989-90 & 1997-98	
	PINs Issued	PINs Issued	Number	%
Police Service	942,086	695,327	(246,759)	(26.2)
Authorised Councils	-	164,261	164,261	Not Applicable
Non Authorised Councils	-	16,567	16,567	Not Applicable
Total	942,086	876,155	(65,931)	(7.0)

Source:

(a) IPB Records

(b) The Audit Office Analysis

Notes:

1. PIN totals include X (owner onus nomination) infringements which results in an overstatement (immaterial) of PINs issued
2. Police Service PIN figures include PINs issued by PPOs and sworn police officers
3. PINs issued has been calculated based upon the date of processing to the TPS

Audit Observation

The fall in PINs issued by the Police Service is more than double the drop in PPO staffing levels (the bulk of PINs are issued by PPOs, section 7.4 *PIN Issue Costs* refers).

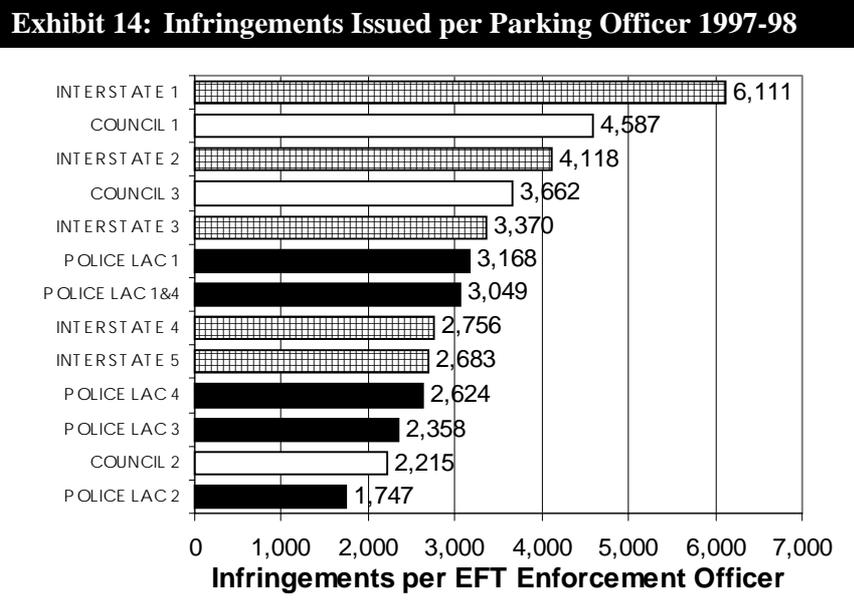
The fall in PINs issued has occurred in the context of :

- the Police Service maintaining control of significant enforcement areas (rather than ceding control to councils)
- no significant changes to the Regulations within the period 1989-90 to 1997-98
- the number of registered motor vehicles has increased in NSW as has the intensity and complexity of parking restrictions.

This decrease in PINs issued may be attributable to a withdrawal of sworn police officers from parking enforcement and/or a deterioration in the efficiency of PPOs. This aspect was not examined during the audit because a historical dissection is not available of infringements issued by sworn police officers and by PPOs.

Productivity Compared

Productivity, in terms of PINs issued by PPOs, authorised councils and interstate capital cities councils is compared in Exhibit 14 below.

**Source:**

- (a) City of Adelaide On-street Parking Improvement Opportunities Report (February 1998)
- (b) The Audit Office Analysis

Note:

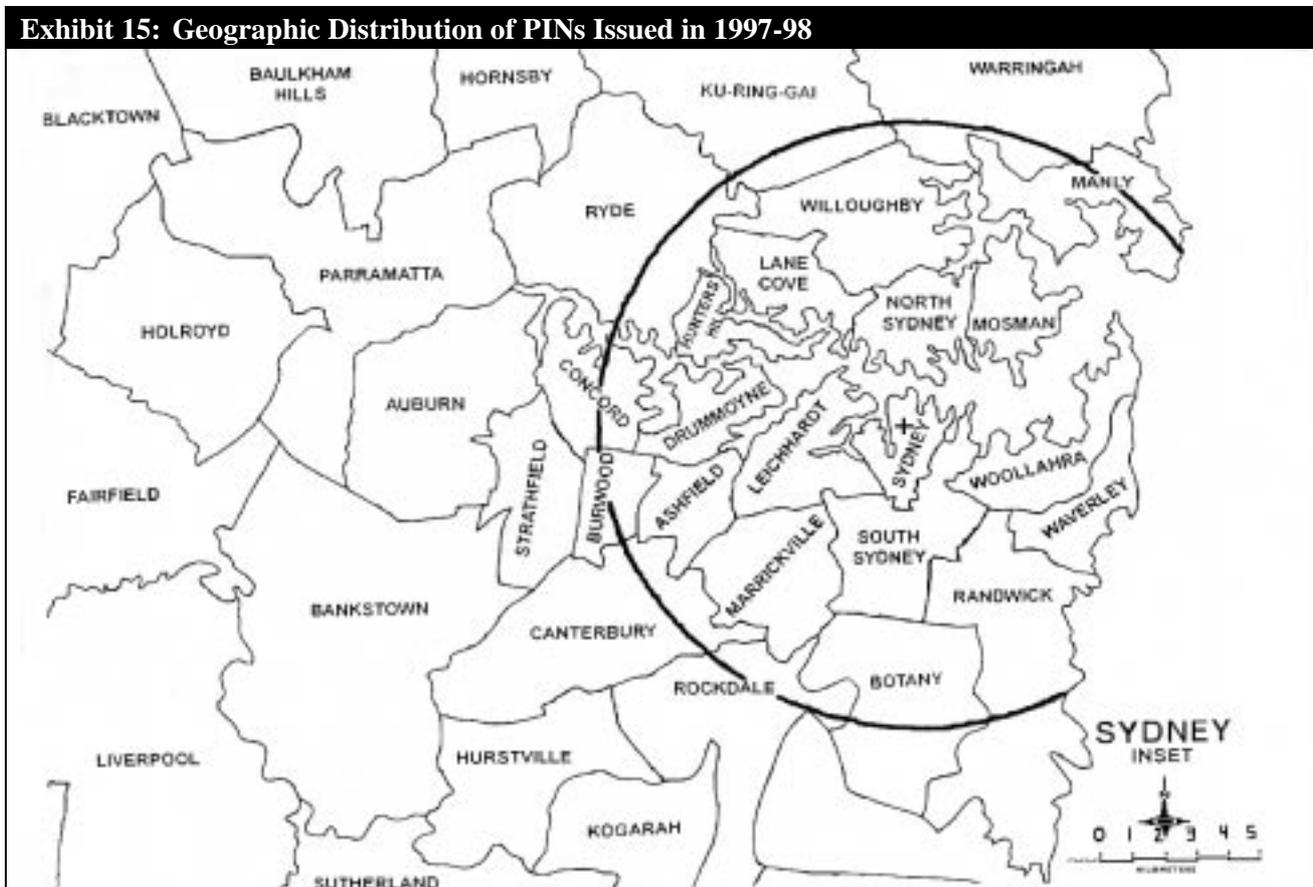
Police LAC 1 & 4 covers the Sydney CBD.

Audit Observations As illustrated in Exhibit 14 PPOs, whilst patrolling the parking intensive “prime patches”, generally achieve a lower productivity rate per employee in terms of infringements issued.

In 1954 on a State wide basis, PPOs issued 4,495 PINs per employee while in 1998 the average was 2,040 PINs, a decrease of 54.6%. In terms of an 8 hour shift the comparison represents a decrease from 18 to 8 in the number of PINs issued.

Geographic Distribution of PINs and PPOs

As illustrated by Exhibit 15, PINs issued in 1997-98 were at their highest levels in the Sydney inner city area. The concentration of PPO resources is also greatest in this area, refer Exhibit 16.

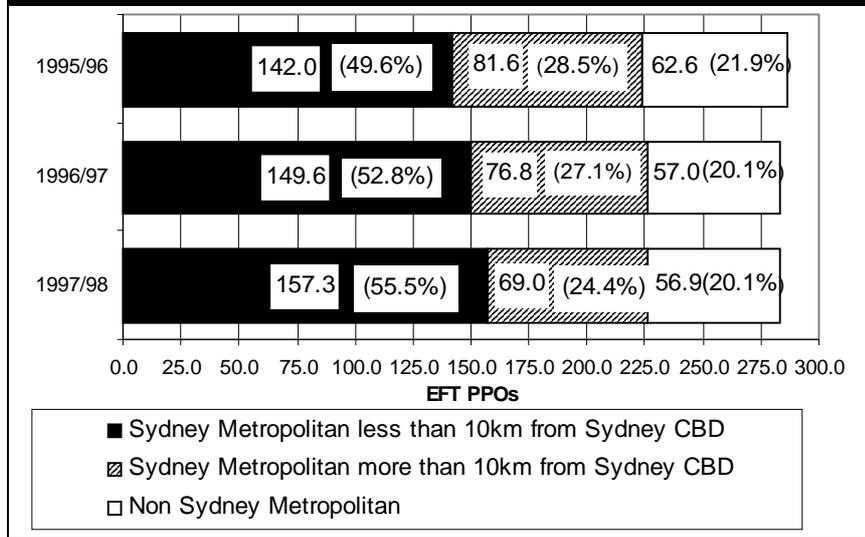


Area	The Police Service		Councils		Total	
	PINs	%	PINs	%	PINs	%
Sydney Metropolitan less than 10km from Sydney CBD	450,140	68.3	147,320	82.8	597,460	71.4
Sydney Metropolitan more than 10km from Sydney CBD	129,818	19.7	26,052	14.6	155,870	18.6
Non Sydney Metropolitan	79,392	12.0	4,634	2.6	84,026	10.0
Total	659,350	100.0	178,006	100.0	837,356	100.0

Source:

- (a) Department of Local Government
- (b) The Audit Office Analysis
- (c) The IPB

Exhibit 16: Distribution of PPOs between Sydney Metropolitan and Non Metropolitan Areas



Source: The Police Service

Audit Observations

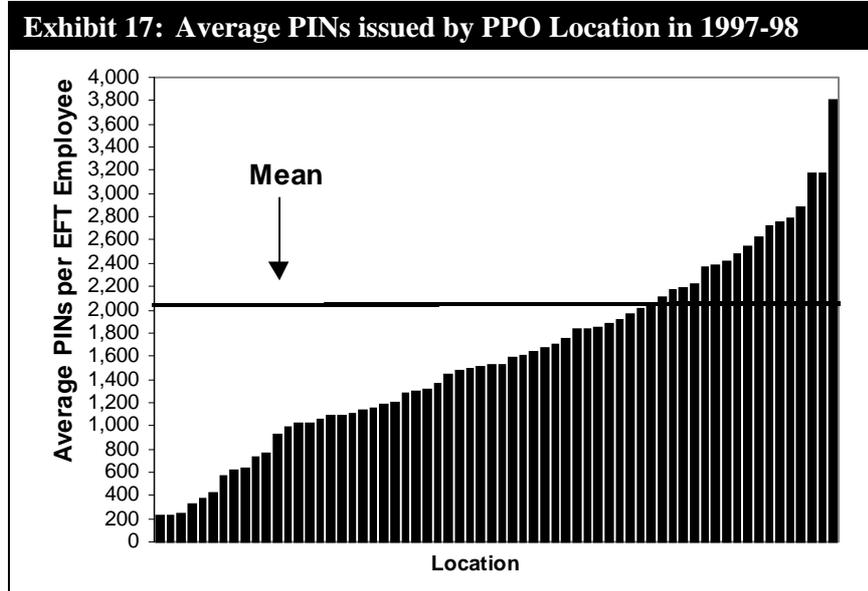
In 1997-98 68.3% of PINs issued were in an area patrolled by 55.5% of the PPOs.

The experience of the Council of the City of Melbourne was that increasing enforcement resources in an area will increase the number of PINs issued. There is a case to be made that until PINs issued in any particular area decline and remain reasonably static greater enforcement resources are required to be devoted to that area.

In the Sydney inner city area enforcement is influenced by:

- an apparent under allocation of PPO resources considering the intensity of demand for kerbside parking space and the extent of non-compliance with the law
- low productivity.

PIN Issues by PPO Location Examination of PPOs and PINs issued disclosed that there were 6 locations in country areas where PPOs (on an EFT basis) issued less than 500 PINs per annum (Exhibit 17 refers).



Source: The Audit Office Analysis

Audit Observations Exhibit 17 indicates that there are likely to be other locations where a transfer of enforcement resources to councils from the Police Service would be warranted.

PPO Rostering

The rostering practices of PPOs at four LACs were also reviewed. The LACs cover essentially the same geographical areas as the three Councils visited as part of the audit (Exhibit 18 refers).

City Central LAC								The Rocks LAC							
HOUR OF DAY	SUN	MON	TUE	WED	THU	FRI	SAT	HOUR OF DAY	SUN	MON	TUE	WED	THU	FRI	SAT
01								01							
02								02							
03								03							
04								04							
05								05							
06								06							
07		9	11	11	10	9		07	1						
08		10	11	11	10	9	9	08	2	3	6	7	4	4	2
09	9	12	14	13	10	9	9	09	2	3	6	7	4	4	2
10	9	18	21	22	21	19	9	10	2	3	6	7	4	4	2
11	9	18	21	22	21	19	9	11	2	3	6	7	4	4	2
12	9	20	23	24	21	19	9	12	2	3	6	7	4	4	2
13	9	20	23	24	31	29	19	13	2	3	6	7	4	4	2
14	9	20	23	24	31	29	19	14	2	3	6	7	6	6	4
15	9	20	23	24	31	29	19	15	2	3	6	7	6	6	4
16	9	20	23	24	31	29	19	16	1	3	6	7	6	6	4
17	9	11	12	13	21	20	19	17	1	3	6	7	6	6	4
18	9	10	11	11	21	20	19	18					2	2	2
19		2	2	2	10	10	10	19					2	2	2
20		2	2	2	10	10	10	20					2	2	2
21					10	10	10	21					2	2	2
22								22							
23								23							
24								24							

Leichhardt LAC								Harbourside LAC							
HOUR OF DAY	SUN	MON	TUE	WED	THU	FRI	SAT	HOUR OF DAY	SUN	MON	TUE	WED	THU	FRI	SAT
01								01							
02								02							
03								03							
04								04							
05								05							
06			1	1	1	1		06							
07			1	1	1	1	1	07		1	2	2	2	1	
08			1	2	2	2	2	08		5	6	7	7	5	3
09			1	2	2	2	2	09		12	14	15	14	11	3
10			1	2	2	2	2	10		12	15	15	14	11	3
11			1	2	2	2	2	11		12	15	15	14	11	3
12			1	2	2	2	2	12		12	15	15	14	11	3
13			1	2	2	2	2	13		12	15	15	14	11	3
14			1	2	2	2	2	14		12	15	15	14	11	3
15			1	2	2	2	2	15		12	15	16	16	13	4
16				1	1	1	2	16		12	15	16	16	13	4
17				1	1	1	1	17		7	9	9	9	8	4
18								18			1	1	2	2	1
19								19			1	1	2	2	1
20								20				1	2	2	1
21								21				1	2	2	1
22								22				1	2	2	1
23								23							
24								24							

Source:

- (a) Police Service
- (b) The Audit Office Analysis

Notes

1. The shaded area denotes the hours restrictions on parking apply
2. The numbers within the hours of the days of the week represent the number of PPOs on duty
3. The number of PPOs on duty each week day shown above is an average of the PPOs that were on duty each week day during the period Sunday 17 May 1998 to Saturday 13 June 1998

- Audit Observations* In terms of rostering of PPOs:
- City Central has limited resources to patrol the city of Sydney on Monday to Wednesday to 22.00 hours and on Sundays evenings no patrols are undertaken
 - the hours of duty of PPOs in the Rocks (09.00-17.00 Sunday to Wednesday) does not align with the hours of parking restrictions (08.00-22.00), (now it is all 09.00 to 17.00 and complaint driven) and the staff on duty were not adequate to patrol all areas regularly
 - Leichhardt had no PPOs on duty on Mondays and there were insufficient staff on other days to cover the entire patrol area
 - rostering practice in Harbourside was the best observed. Under a local agreement with North Sydney Council the council had accepted the responsibility for enforcement after 17.00 hours on weekdays and all day Saturday except for a small area and Sunday. (The enforcement arrangements applying in North Sydney were discussed in Section 4.4 *Legal Basis for Council Enforcement*).

In summary, there are gaps in the rostering practices at most LACs.

CLEO Rostering Council of the City of Sydney Parking Officers work 12 hours shifts providing coverage from 07.00 to 22.00 hours while CLEOs work a 24 hour roster (2 shifts of 12 hours). At Leichhardt CLEOs are rostered between 6.00 and 22.30. At North Sydney Council CLEOs are rostered between 08.00 to 24.00 (2 shifts of 8 hours).

Audit Observation The above rostering practices provide resources to cover all allotted enforcement areas during hours of restricted parking.

In common with most local agreements, Leichhardt, North Sydney and City of Sydney Councils were allocated the less intensive areas (in terms of demand for parking) to patrol.

“Beats” “Beats” are based on the area walked by a parking officer while “chalking” the time of day on the tyre of each vehicle parked within restricted areas occurring on the beat.

The beat is designed so that a parking officer is able to return to a parked vehicle shortly after the expiration of the time permitted to park. The issue of a PIN infringes a vehicle parked in excess of time.

Audit Observation Evidence suggests that the most effective enforcement occurs when a parking officer is able to maintain regularity in “beat” patterns. That is a parking officer needs to return to any point on a beat no more than 5 to 10 minutes past the expiration of the permitted interval for parking.

A “beat” pattern however, can be readily disrupted because special attention needs to be given to particular locations.

“Beat” Allocation PPOs are allocated different “beats” each day.

PPO beats are allocated on the basis of priority, for example pressure on kerb access, especially in loading zones, determined by local knowledge and driven by complaints. A second priority is to allocate PPOs to other beats so that at least a PPO presence is maintained in order that drivers do not become complacent in complying with parking restrictions.

CLEO beats (which are located in local CBD fringe and residential parking areas) are arranged on a similar basis to those for PPOs. At Leichhardt Council the patrolling of non priority beats (at a minimum) occurs 3 days per week.

Audit Observations Compliance studies have not been carried out by enforcement agencies to support the adequacy of PPO and CLEO staff allocations to parking patrols (see Section 6.7 *Compliance Measurement* for further comments).

It seems there are currently insufficient PPOs and CLEOs at some councils to provide optimum coverage in all areas. Inappropriate staffing levels will impact negatively the efficiency and effectiveness of enforcement.

Transport PPOs start and finish duty at their base location, a police station, and return there for a mid shift meal break. PPOs travel to their beat on foot, or by (free) public transport if walking is too time consuming. PPOs do not have ready access to cars while bicycles, small cylinder motor cycles and/or electric mobility are not available to assist coverage within “beats”.

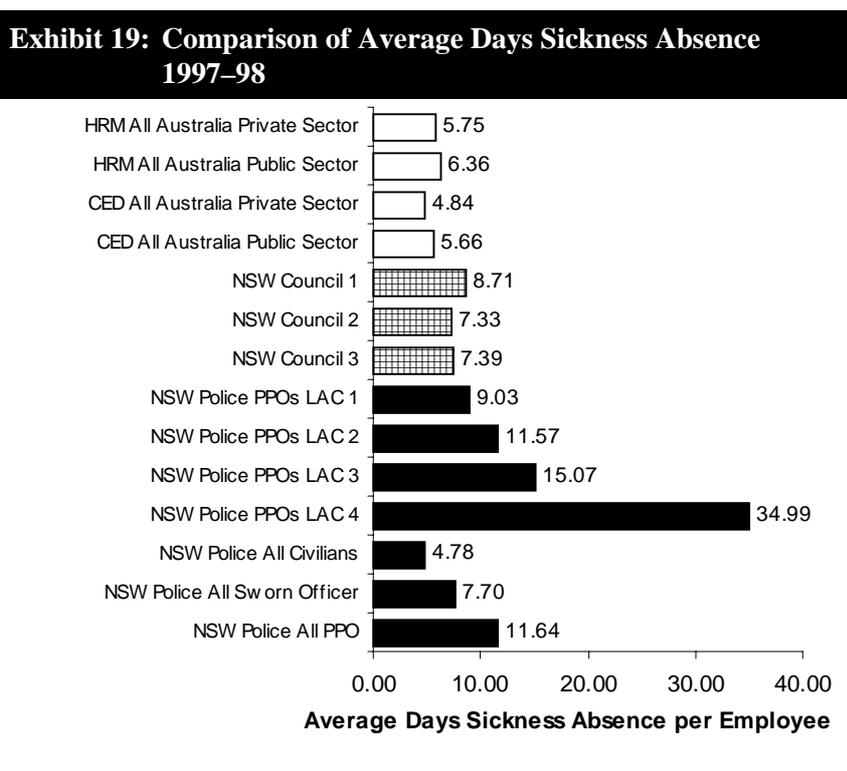
CLEOs are provided with individual transport and travel to their beat area by that means. Parking officers of the Council of the City of Sydney are generally transported to and from their beat by council owned bus. CLEOs and council parking officers are permitted, but not required, to return to their depot for a meal break.

Audit Observations The time taken by PPOs to travel to and from their allocated beat, by foot or by public transport twice per day, is not efficient in that it affects detrimentally the coverage given to a “beat”. Reliance on foot or the use of public transport means that PPOs have a limited range of patrol.

Of necessity the Police Service must therefore rely on sworn police officers to enforce parking in areas not supervised by PPOs. This reliance is misplaced as police officers are often required to give priority to other matters. The result is a reactive rather than a proactive enforcement service in those areas not patrolled by PPOs.

The Adams Implementation Team has recommended that any increase in staffing levels be accompanied by suitable transport arrangements. The Audit Office supports that recommendation.

Sickness Absence PPOs Exhibit 19 below compares sickness absence across a range of sectors. The 1995 Enterprise Agreement for PPOs set targets for sickness absence reduction (7.0 days pa 95/96).

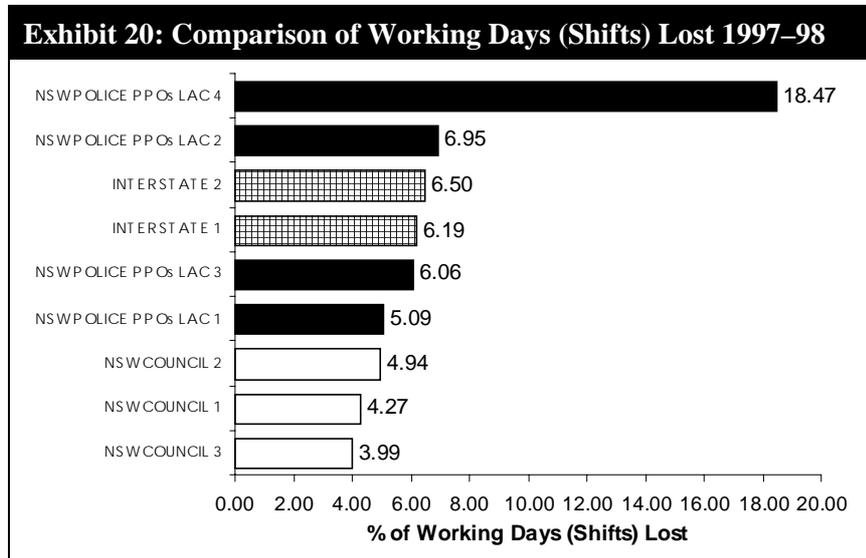


- Source:**
- (a) Agency Records
 - (b) HRM Consulting Limited, The Australian Human Resources Benchmarking Report June 1998
 - (c) Corporate Benchmark Monitor June 1998 (Cullen, Egan and Dell Limited [CED])

The set targets were achieved. In 1997 an Award (Crown Employees [Parking Patrol Officers, Police Service of NSW] Award) replaced the expired 1995 Enterprise Agreement. The Audit Office was advised that an award is not an appropriate industrial instrument for setting employee productivity targets for example sick leave and accordingly no sickness absence target were established within the Award. The level of sickness absence for PPOs has been progressively increasing since 1995-96.

CLEOs

CLEOs had less working days (shifts) lost because of sickness absence and hurt on duty (workers compensation) compared to PPOs located in the same geographic area and interstate capital cities, refer Exhibit 20.



Source: Agency Records

Audit Observation

CLEOs are more productive than PPOs because less time is lost due to sickness absence. There may also be other reasons.

PPOs have higher levels of sickness absence than that reported for sworn officers and civilians, councils and the All Australia public sector and that of the private sector in Australia.

Research indicates that sickness absence is related to low levels of employee morale, commitment and/or satisfaction. Also the absence of adequate management of sickness absence may tend to encourage the taking of further sick leave.

	<p>There is evidence to suggest that the above factors are present in the level of sickness absence by PPOs. In addition, it is claimed that the conditions of work are another factor in sickness absence by PPOs (continuous walking of “beats” is said to cause stress on the body). PPOs are also subject to the elements.</p>
Staff Turnover	<p>Both PPOs and CLEOs had in 1997-98 a turnover below the All Australia public sector and that of the private sector in Australia.</p>
<i>Audit Observation</i>	<p>The turnover of PPOs and CLEOs (at councils visited) is not a significant factor impacting upon the enforcement service.</p>
Conditions of Employment	<p>PPOs are employed as Ministerial employees under an Award, separate to police officers, that provides for full time and part time permanent employees only (in 1997-98 there were 6 part-time PPOs).</p> <p>CLEOs are generally employed on special agreements based on the Council Award, which provides for full time and part time permanent employment and casual employees.</p>
<i>Audit Observation</i>	<p>PPOs are of the Police Service but not in the Police Service. Anecdotal evidence suggests that this situation impacts on the self esteem of PPOs which may affect their attitude to work and the workplace. This is in contrast to the position of CLEOs within councils.</p>
Disciplinary Procedures	<p>CLEOs are subject to disciplinary procedures as described in the relevant Council Award and/or Agreement.</p> <p>PPOs, being Ministerial employees, have a different employment status to the remainder of the Police Service-including different disciplinary guidelines.</p> <p>The 1995 Enterprise Agreement of PPOs contained a clause concerning the establishment of disciplinary procedures.</p> <p>Some concern has been expressed concerning the influence of Restorative Justice (a grievance body) within the Police Service as an inhibitor to effective discipline in the ranks of PPOs.</p>
<i>Audit Observations</i>	<p>The Police Service has yet to establish a formal discipline procedure for PPOs. Disciplinary action is apparently being taken when required.</p>

There are other matters raised in earlier Enterprise Agreements have yet to be agreed upon. For example, identified in the 1995 Enterprise Agreement of PPOs is the need to establish performance indicators:

“Fundamental to this agreement is the need to set and try and meet clear and measurable performance indicators that ensure client service, value and efficiency”.

Performance Review

All advice from LACs visited in the course of the audit is that PPOs are formally reviewed at the end of their first year of service prior to their confirmation as permanent employees. In the period fiscal 1995 to 1998 2 out of 130 recruits were dismissed.

Audit Observations

Three LACs visited in the course of audit advised that no further formal performance review was carried out with individual PPOs.

The fourth LAC advised that PPOs, as is the case with sworn police officers attached to a LAC, must satisfy a review of their performance prior to a salary increase.

This performance review consists of a review of any adverse reports in their personal file, customer complaints, or excessive sick leave noted by the LAC Manager.

CLEOs are subject to an overall Competency Assessment system for staff appraisal or the standard council staff appraisal system. Staff performance is regularly reviewed.

The Police Service lacks appropriate performance criteria for assessment of PPO performance and in many cases no performance review occurs.

Field Supervision

All LACs visited advised that supervisors should spend the majority of their time overseeing PPOs in the performance of their duties.

Audit Observations

However, advice received indicates that the degree of supervision that is actually exercised was limited because of the intervention of Restorative Justice (this section no longer exists but its influence lives on). For example supervisors were not permitted to review PPO activities by either on-street observation or review of timing of PIN issues.

Compounding matters were the shortage of PPOs and a high level of complaints concerning the failure to enforce parking regulations. As a result supervisors spent most of their time responding to complaints and attending beats which would otherwise not be patrolled.

Councils generally advised that CLEOs were formed in teams with one of their member as team leader. The team members and leader were provided with transport (except where “bussing” occurs). The availability of individual transport gave the team leader the opportunity to assist and review team member activities as required. Overall CLEO supervisors claim to spend considerable time in the field reviewing CLEO activities.

The evidence suggests that the supervision of CLEOs is more effective than that of PPOs.

Conclusion

Compared to CLEOs PPOs (are):

- less productive
- lack flexibility in rostering
- subject to more days lost because of sickness and injury
- subject to less supervision and inadequate performance review
- subject to uncertain disciplinary processes.

The above indicate that the management of CLEOs is likely to be more efficient and effective than that of PPOs.

6.4 Information Technology

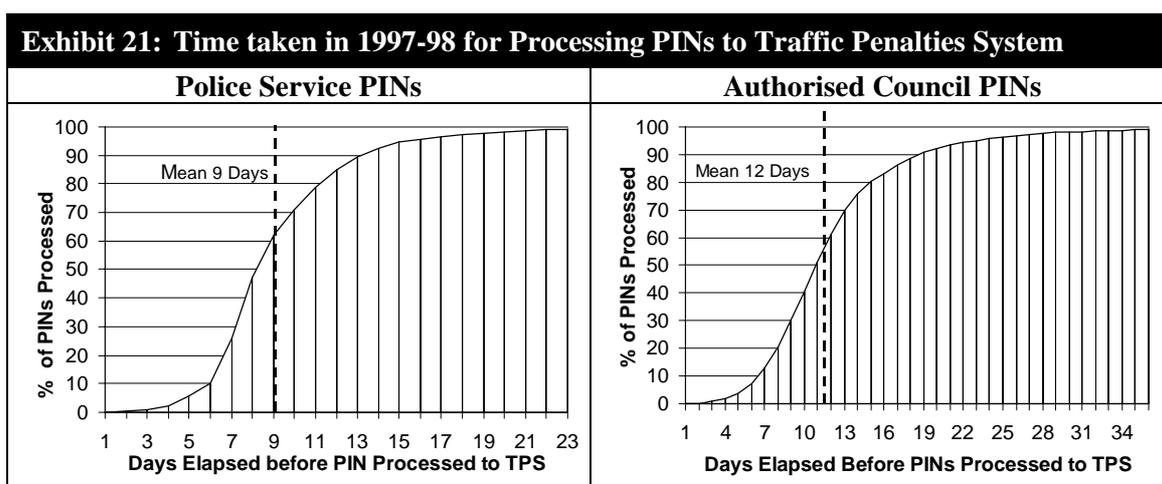
Hand Held Computers

The use of hand held computer technology for parking enforcement is common practice in other state capitals. However, in NSW, parking enforcement via SEINS is undertaken currently by completing a paper based infringement notice.

The 1995 estimated cost to introduce hand held computers (including an upgrade of the infringement processing computer system) was in the order of \$15m.

As illustrated within Exhibit 21 and for the year 1997-98, the processing of PINs to the Traffic Penalties System (TPS) of the IPB took:

- on average 9 days for Police Service PINs to be processed from the date of issue (by 22 days 99% PINs had been processed)
- on average 12 days for council PINs to be processed from the date of issue (by 35 days 99% PINs had been processed).



Source: The Audit Office Analysis

Audit Observations Experience elsewhere indicates that the use of hand held computers to capture infringement data should lead to the following improvements:

- a simpler operation and greater accuracy in the capture of data leading to a decrease in labour costs
- instant transfer of data to the TPS provided telephone/radio links are installed – otherwise downloads would occur overnight
- the introduction of selective database links to identify stolen vehicles
- cross checking by hire car firms as to whether rental vehicles have been infringed (this is important in the case of non-resident drivers)
- improved management of employee productivity in regard to parking enforcement.

Tally Sheets	Weekly or monthly tally sheets, maintained by the Police Service and councils display the quantity, and sometimes the type, of infringements issued. In the case of some councils and LACs, these data are transcribed into electronic form, permitting sorting and evaluation on a number of bases, including that of individual employees.
<i>Audit Observation</i>	For the most part the maintenance and compilation of statistics on enforcement is a manually intensive exercise and therefore not efficient.
Use of IPB Data	The IPB processes infringement data to the TPS. The system commenced operating in 1980.
<i>Audit Observation</i>	While appreciative that the primary purpose of the IPB is to process infringements there is nevertheless a wealth of data which could be accessed to provide relevant information to better manage enforcement.
PPO Productivity Report	<p>A monthly Productivity Report draws upon data of the IPB and information entered by supervisors of PPOs.</p> <p>The report provides statistics by Police Service Region and LACs on such matters as staff strength, shifts worked, PINs issued and average PINs per shift. The report facilitates a state wide snapshot of enforcement by PPOs.</p>
<i>Audit Observation</i>	The Productivity Reports have proved not to be reliable because of lost data and the non entry of relevant data.
Data Inaccuracy	Location programming errors have been compounded by “bugs” in the system caused by language upgrades. This means that much of the data contained in the Traffic Statistics Package prior to January 1998 is (according to the IPB) “ <i>indicative only and cannot be guaranteed to be fully accurate</i> ”.
<i>Audit Observation</i>	<p>The IPB declined to provide to The Audit Office Traffic Statistics Package Police Service location and enforcement resource information prior to 1998.</p> <p>The presence of inaccurate data tends to be consistent with the limited use made of data by the Police Service for intelligence and other management purposes.</p>
Employee Identifiers	The enforcement officer issuing the infringement notice is not identified in accordance with a union direction.

Data Access Difficulties Several sources within the Police Service suggested that the limited use of IPB data for management purposes is attributable to difficulties in accessing information due to the lack of appropriate programs.

Audit Observations There are constraints on the availability of adequate programs but the issue is resolvable.

For example The Audit Office receives on a quarterly basis a download of selected data from the TPS of the IPB. Use of “off the shelf” software for analysis by The Audit Office as part of this performance audit has enabled downloaded data to be analysed/manipulated, relevant information to be extracted and/or mixed with data from other sources to provide information useful for review purposes.

Conclusion Greater use of information technology can be made in the conduct of enforcement and its management.

6.5 Better Practice and Key Performance Indicators

Better Practice Other state capital cities share information to assist in improving practices in enforcement (an example was the parking enforcement review by the City of Adelaide Council).

Audit Observations Evidence indicates that the Police Service does not disseminate (throughout NSW) better practice procedures in enforcement. PPOs operate in a decentralised mode with minimal central control and review of practices.

As indicated earlier in this report there are no specific/clear outcomes required to be achieved from the enforcement of parking. As a result any existing indicators of performance do not measure key outcomes. The issue is compounded by inadequate use of information technology as a vehicle to assist in measuring performance.

Data kept by the senior CLEO or senior PPO (in tally books or their equivalent) is able to be used to develop/provide some localised performance measures but is not so used.

The absence of appropriate performance measures for use across the state often occurs in a decentralised environment. This approach, however will not identify, and correct, poor performance where it exists in a particular location.

PIN Quality One measure of performance is the “quality” of the infringement notice.

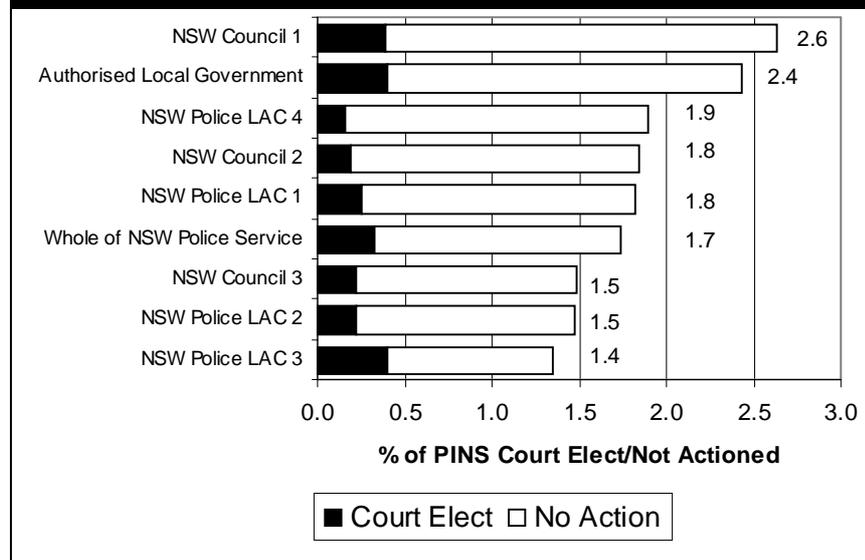
The test of that attribute is whether the PIN will withstand a “representation” by the offender or challenge within a court of law (offenders may elect to have the issue of an infringement heard before a court-this is termed “court elects”).

The level of court elects is however, very low and ranges from 0.16% to 0.40% for councils and LACs visited during the audit.

Audit Observations The results of court elects are not aggregated. Neither the Police Service nor councils are aware of the incidence of PINs found not to be enforceable (by a court) because of a defect in the PIN.

The decision by an offender to court elect could be construed as a measure of “defective” infringements if one accepts the view that a decision to have a parking matter heard before a court is an indicator of anticipated success. But there could be other reasons why an offender would choose to have the matter heard before a court. Also a finding in favour of the offender may be made for example on the basis of a hitherto impeccable driving record.

PINs Not Actioned and Court Elects Infringements “not actioned” (a PIN about which an offender has made successful representations to the IPB which result in the “non actioning” of the PIN) are also relevant in reviewing the quality of PIN issue. When “not actioned” and “court elects” are combined the quality of PINs issued by councils tends to be lower than those issued by PPOs (Exhibit 22 refers).

Exhibit 22: Comparison of 1997-98 PIN Court Elects/Not Actioned

Source: The Audit Office Analysis

Conclusion

The enforcement of the Regulations by the Police Service and certain authorised councils (in regard to parking) is not measured in terms of either key outcomes or the efficiency and effectiveness of its delivery.

The absence of appropriate indicators would tend not to encourage nor facilitate improvement to performance.

Improvement may also be achieved through acquiring and sharing better practices from other enforcement infringement bodies. This tends not to occur in NSW.

6.6 Standard Operating Procedures

The Manual

Some standard Operating Procedures are incorporated within the *Parking Patrol Officers' Manual*.

In 1997 Standard Operating Procedures were prepared when consideration was given to centralising control of PPOs. Centralisation was not however, implemented.

Amended Standard Operating Procedures have been developed in conjunction with the recent review by the Police Service of future options for enforcement (the Adam's Committee Implementation Team).

Audit Observations Formal operating standards/practices have not been established and/or promulgated. The current Manual, a wire bound book, is difficult to update and superseded in some areas.

The compilation and promulgation of Standard Operating Procedures, supplemented by a practitioners manual, will provide necessary guidance for those undertaking enforcement.

6.7 Compliance Measurement

Compliance Surveys

In respect to enforcement, a means of determining compliance with the law is to conduct a survey to gauge the extent to which vehicles have been infringed when a breach of the law occurs. It is then possible to compare the actual level of compliance to the target level.

While The Audit Office did not itself commission a survey there have been surveys of repute conducted in the North Sydney and City of Sydney Council areas.

A C Nielsen

A C Nielsen conducted a survey for *The Pedestrian Council of Australia*.

The survey found that over 8.5 hours of observation at 4 locations in the Sydney and North Sydney CBDs 244 vehicles halted in *No Stopping* zones. Vehicles remained stopped for periods ranging from seconds to 5 minutes without an infringement being issued. One vehicle only was directed to move on by a passing Police Service vehicle. Other Police Service vehicles were observed to pass 5 times while breaches of parking law were occurring.

Council of the City of Sydney

The Council of the City of Sydney reported a number of surveys for the CBD retail area with the following results:

- weekday CBD: 91% of illegally parked vehicles were not infringed
- Saturday CBD: 92.6% of illegally parked vehicles were not infringed
- Sunday CBD: 95.4%% of illegally parked vehicles were not infringed.

The total sample size in each case was in the range of 940 to 2581 vehicles.

Surveys of Millers Point, Surry Hills and Ultimo/Pymont on Saturday and Sunday disclosed no infringement of illegally parked vehicles. A survey of 3,442 vehicles parked on weekdays in CBD Loading Zones over a two week period revealed 79.4% of illegally parked vehicles were not infringed.

Audit Observations Of the 3 councils and 4 Police Service LACs visited during the course of the audit only one council had undertaken a parking compliance survey.

Conclusion Both surveys detected low levels of compliance with the law. Based on the evidence provided by the surveys, current arrangements for enforcement are regarded as not effective. The situation is compounded by the current system of separate and separated enforcement systems (councils and the Police Service) with no overall co-ordination and control of enforcement.

Those given the responsibility to enforce the law have not set compliance targets nor do they undertake compliance measurement routinely.

Consequently the enforcement agencies have no direct measure of the success, or otherwise, of any strategies in achieving compliance with the law.

6.8 Performance Accountability

Police In the Police Service, implementation of enforcement is the responsibility of local LACs in conjunction with their local traffic management role.

Councils For councils, enforcement is a local matter with no external oversight. Co-ordination with local police generally occurs through the local traffic committee.

IPB The IPB is a point of common contact between councils and the Police Service. The IPB does not, however, have a role in the co-ordination or review of performance of enforcement.

Role of Traffic Services Branch The Police Service Internet Entry for the Traffic Services Branch advised (in March 1999) that the Branch has responsibility to “*manage the state wide operation of Parking Patrol Officers*”.

In July 1999 the Internet page was modified slightly, but the above statement of responsibility was substantially unchanged.

The Statement of Duties and Accountabilities (SDA) included amongst the Principal Accountabilities of Commander Traffic Services Branch, the requirement to improve the effectiveness of traffic law enforcement operations by:

- Monitoring traffic trends and activities throughout the state
- Developing and implementing traffic enforcement policies, programs and services
- Monitoring trends in traffic administration by interstate and overseas police agencies

The SDA was replaced by a Job Stream Responsibilities document.

Audit Observation

This latter document does not specify responsibilities to the same degree as the former SDA. Indeed its contents are very generic.

The Commander Traffic Services advised that:

- the reference contained within the Internet Entry for the Traffic Services Branch was an incorrect one
- PPOs are resources attached to LACs and are managed locally.

Conclusion

The Council on the Cost of Government in June 1996 made the following comment in regard to the devolution of management:

Basic corporate experience identifies the need to have processes that link devolved management, planning and budgeting with high level corporate policy objectives and the underlying support processes of data collection and analysis, vigilance over expenditure and outcome reporting. In short, the devolution of authority must be accompanied by carefully designed arrangements for accountability.

The management of enforcement requires significant improvement in (areas of):

- the setting of central policy and objectives including management direction
- outcome setting, measurement and monitoring
- the quality of Management Information Systems
- information technology.

Evidence indicates that parking enforcement is not a priority for, or is not given priority by, the Police Service. The reasons for this situation are not clear but may be due to factors of:

- other pressing and more urgent demands
- a view by the “rank and file” of police officers that enforcement of parking is not core business of the Police Service.

7. Costs and Revenues

7.1 Introduction

This section reviews the costs and revenues (known and unknown) of enforcing the law in regard to parking.

7.2 Known and Estimated Costs and Revenues

Revenues collected from PINs issued by the Police Service are, in accord with the Constitution Act 1902⁵, paid into the Consolidated Fund. The Police Service meets the cost of parking enforcement from its general Budget (Consolidated Fund) allocation.

The Police Service determines the amount of money to be allocated to parking enforcement from its annual appropriation.

The costs of enforcement incurred by the Police Prosecution Services, Local Courts, RTA and State Debt Recovery Office (SDRO) are also funded from Consolidated Fund.

A council, in accordance with the Local Government Act 1993, receives into its Consolidated Fund the revenue derived from PINs issued by a council (after deducting processing fees levied by the IPB). The council defrays the cost of enforcement from its Consolidated Fund.

Costs and Revenues 1997-98

The known and estimated costs and revenues in 1997-98 associated with enforcement is shown in Exhibit 23. All costs recorded within the exhibit have been estimated by the agency so identified or by The Audit Office.

Figures which are separately recorded, and therefore identifiable, are the:

- fines received by IPB
- direct salary costs of PPOs
- enforcement costs and revenues of councils visited in the course of the audit.

⁵ Under the Constitution Act 1902, the monetary penalties that is revenues collected from PINs and the associated expenses come within the Consolidated Fund that is State revenues and expenses unless another Act directs otherwise.

Exhibit 23: Known and Estimated Costs and Revenues for Street Parking Enforcement 1997–98

Organisation	Note	Costs \$000	Revenues \$000
Police Service -			
Parking Patrol	1	11,383	
IPB	2, 3	3,858	35,054
Police Officers (Highway Patrol and General Duties)		unknown	
Police Prosecution Services		unknown	
Supervision/Management of Parking Patrol by Sworn Police and Civilians		unknown	
Total Police Service		15,241	35,054
RTA	4	334	unknown
Local Courts (Attorney Generals Department)		unknown	unknown
State Debt Recovery Office	4	unknown	unknown
Authorised Local Councils	3, 5, 6	4,561	7,580
Non Authorised Local Councils	3, 5, 6	724	1,272
Total		20,860 + unknown	43,906 + unknown

Source:

- (a) Agency Records
- (b) The Audit Office Analysis

Notes:

1. The cost of parking patrol was derived by adding loadings as advised by the Police Service to the direct PPO salary cost for employee on-costs (18.23%) and non employee related overheads that is maintenance and working expenses (20%)
2. The IPB cost is only that in respect of the Police Service PINs and is based upon 695,327 infringements issued/processed in fiscal 1997-98
3. The revenues shown are only in respect of those parking fines issued in 1997-98 and paid. The information has been extracted from The Audit Office downloads of the TPS to 30 September 1998
4. The fine enforcement system changed as from 28 January 1998 when the State Debt Recovery Office commenced operations. Previously the RTA had collected fines following enforcement action.
5. The estimated costs of local government councils includes fees levied by the IPB for the processing of infringements issued by councils. However, the actual costs incurred by the IPB for processing infringements issued by councils is less than service fee charged
6. The cost of all local councils parking enforcement is an extrapolation by The Audit Office of costing information collected from fieldwork NSW local government councils

Audit Observations Based upon analysis of the TPS The Audit Office estimates that \$55.5m will be collected from 799,000 PINs issued in 1997-98. In addition, there were another 38,000 PINs issued in that year with a face value of \$2.7m which were not collectable because the PINs were waived etc.

7.3 Inadequacies in Financial Data

The Police Service As illustrated the Police Service is not able to provide an estimate of the costs of enforcement other than the direct salary costs of PPOs.

Local Courts Local Courts do not dissect the costs and revenues from parking matters brought before the Court.

RTA The RTA collected \$10.8m in outstanding (default) fine revenues to 27 January 1998. Recoveries were made as part of the process of reinstating licences and vehicle registrations which had been cancelled because of non-payment of fines.

The RTA does not however, dissect parking fines from other fine default collections.

SDRO The SDRO for 1998-99 (the first full year of its operation) had:

- collected \$53.3m in outstanding fines, penalties, other debts and processing fees
- expenditure of \$5.7m in recovering outstanding fines, penalties and other debts.

The SDRO at present does not dissect costs paid and revenues recovered in regard to enforcement. A dissection of revenues and costs into offence types is expected to commence in 2000-2001.

Economic and Other Costs There are also significant economic and other costs associated with street parking enforcement.

Breaches of the law do cause traffic congestion, delay and accidents. The affects of disruptions traffic flow and road trauma include:

- increased costs of transport
- abnormal vehicle emissions and hence pollution
- lost productivity
- increased health costs.

Audit Observation These economic costs of disruption to traffic flows from illegal parking has not been measured.

The regulation and enforcement of parking is important because of the effects that the abuse of the law can have on the state's economy and the quality of life of individuals. Any improvement in compliance with the law and its effect on, for example, traffic flow will produce economic gains.

Public Accounts Committee

The identification of accurate costs and revenue associated with parking, and traffic enforcement generally, was the subject of comment by the Public Accounts Committee (PAC) in its report of July 1986 (Report Number 25) which states that:

1.11. The Committee attempted to assess the total cost of fine collection and enforcement but was unable to do so

1.12. The total revenue earned from traffic enforcement and the fine collection system is also not accurately known.

Conclusion

It is apparent that revenues received from enforcement of parking law exceed the costs thereof.

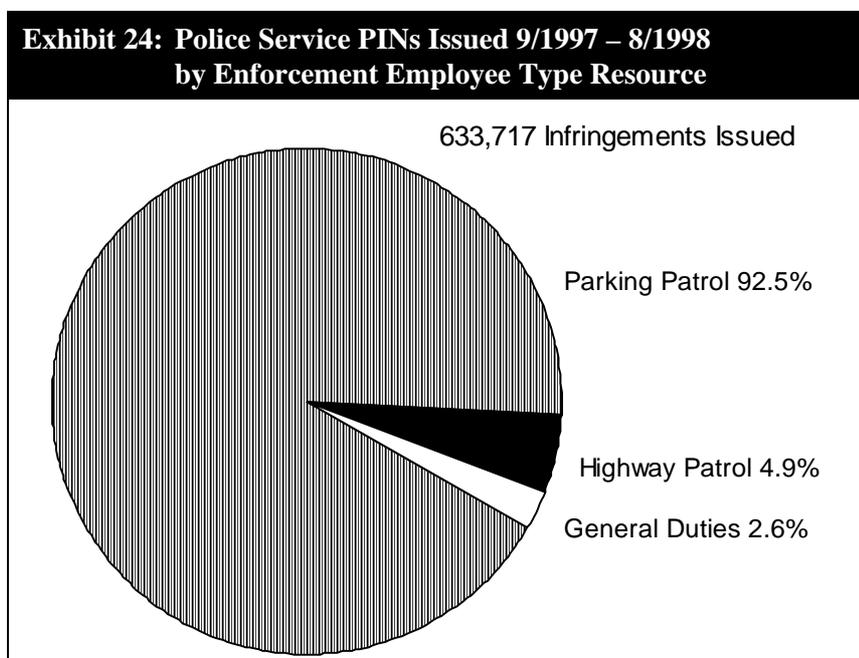
The total costs associated with the enforcement of parking and the collection of fines are, however, not known.

There has been little improvement in the identification of costs from that reported by the PAC in 1986. An appreciation of the costs that agencies incur is needed should consideration be given to the transfer of enforcement to another agency/organisation.

The position with respect to the identification of revenues has, however, improved since the PAC report of 1986. At that time the fine defaults were able to be "cut out" by detention. This option no longer exists and therefore the quantum of revenue to be recovered from fine defaults is now more certain.

7.4 PIN Issue Costs

As indicated in Exhibit 24 the majority of PINs are issued by PPOs; a minority are issued by sworn police officers.



Source: IPB

Cost Relativities

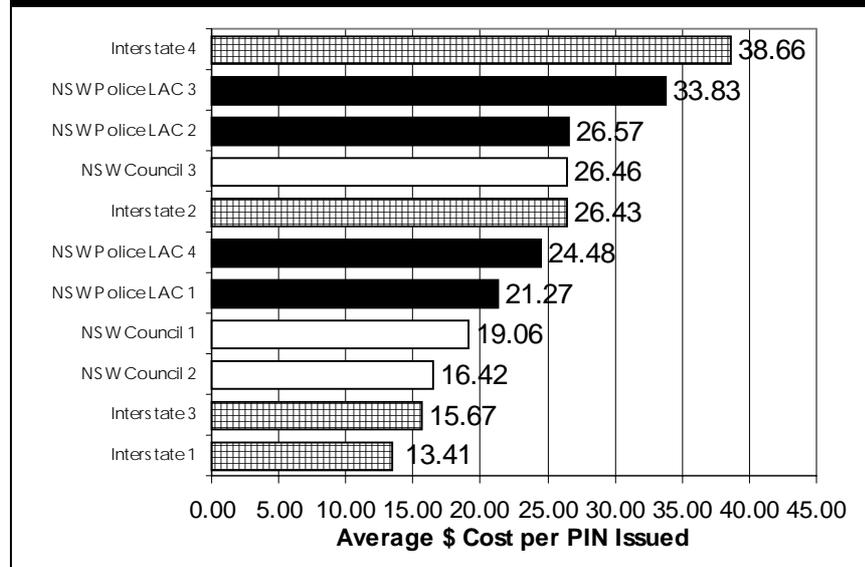
The median salary cost in 1997-98 of a sworn police officer and a PPO was \$46,037 and \$27,218 respectively (the figures exclude payroll on-costs, superannuation and training).

The average cost of a PIN issued by the Police Service is generally higher than that achieved by most councils in NSW and interstate capital city councils (Exhibit 25 refers). The calculation does not include supervision and administrative costs.

Audit Observation

The use of PPOs to perform the bulk of enforcement represents a financial saving compared to that of sworn police officers.

This difference in average costs (between the Police Service and that achieved by most councils in NSW and interstate capital city councils) is mainly attributable to variations in employee productivity and not variations in average salaries, refer Section 6.3 *Employee Productivity*.

Exhibit 25: Average Cost of a PIN Issue in 1997-98**Source:**

- (a) Agency Records
- (b) The Audit Office Analysis
- (c) City of Adelaide On-street Parking Improvement Opportunities Report February 1998

Notes

1. The LACs average cost for PPO enforcement was calculated by apportioning the costs shown in Exhibit 23 for:
 - (a) Parking Patrol (\$11.4m) based upon employee effective full-time equivalents for 1997-98
 - (b) IPB processing (\$3.9m) based upon PINs issued in 1997-98.
2. The LAC PPO average PIN issue cost does not include any costs for the supervision and management of PPOs by sworn police officers and civilians.
3. Council IPBCSU processing fees have been adjusted to make them similar to that applying to the Police Service so as to establish a level playing field. The IPBCSU charges councils a commercial fee that is cost plus profit for processing council issued PINs whereas the Police Service only incurs the IPB PIN processing cost.

Conclusion

The reasons for the higher cost of PINs issued by the Police Service requires examination. One option is to increase employee productivity, that is the number of PINs issued per employee over a given time frame.

7.5 Linkages Between Costs and Revenues**Police Service**

There is no linkage between the revenues received into the Consolidated Fund and the costs of the Police Service in undertaking enforcement.

During 1989 to 1993 the amount of money allocated to the Police Service for enforcement services was tied to a percentage of the revenue received. It is understood that arrangement was curtailed in August 1993 because of:

- concern at the increase in funding to the Police Service
- the potential for the arrangement to be perceived (by the community) as a source of revenue raising.

Since 1993 there have been suggestions to reinstate the former arrangement but to date practice is unchanged.

Local Government The level of enforcement provided by councils is linked to revenues received.

Use of Surplus Funds Unrestricted There are no restrictions at either State or local government level as to the use that can be made of any surplus funds arising from enforcement activities. This is replicated in other states.

Audit Observation The absence of ties on surplus funds use does make both the Government (Police Service) and councils prone to being perceived by the public as merely revenue raising through parking enforcement, irrespective of the merits of the accusation.

Conclusion In defraying the costs of enforcement the Police Service does not have access, as councils do, to the revenues derived therefrom.

In theory, access to revenues would provide the Police Service with flexibility to adjust the level of enforcement activity to operational demands. This has the potential to improve the efficiency and effectiveness of enforcement of the law.

Conversely, councils, which have access to revenue derived from enforcement, have a limited role in enforcement compared to the Police Service which is the primary provider (of enforcement).

Currently enforcement is a cost to the Police Service. Enforcement of parking must therefore compete for funding with other police functions. Because enforcement is not seen as a high priority by the Police Service, it has not received the level of funding required to provide an optimal level of service.

There is, however, no sound basis to allocate the responsibility for enforcement to councils (or for it to remain it with the Police Service for that matter) on the basis of current or past performance. But the performance by the Police Service has in part, been affected by the priority given to enforcement by the Police Service. The issue of priority has influenced the attention and level of funding allocated to enforcement (by the Police Service).

The future should not be dictated by the historic flow of revenue. Once the desired level of service (related to the outcomes sought) is determined, decisions in regard to the distribution and ownership of revenue can be determined by legislation or other commercial arrangement.

7.6 Collection of Fines

The collection of parking fines has been reported on by:

- Auditors-General in Reports to Parliament
- the PAC in 1986.

Collection Initiatives

Initiatives to improve the collection of fines include:

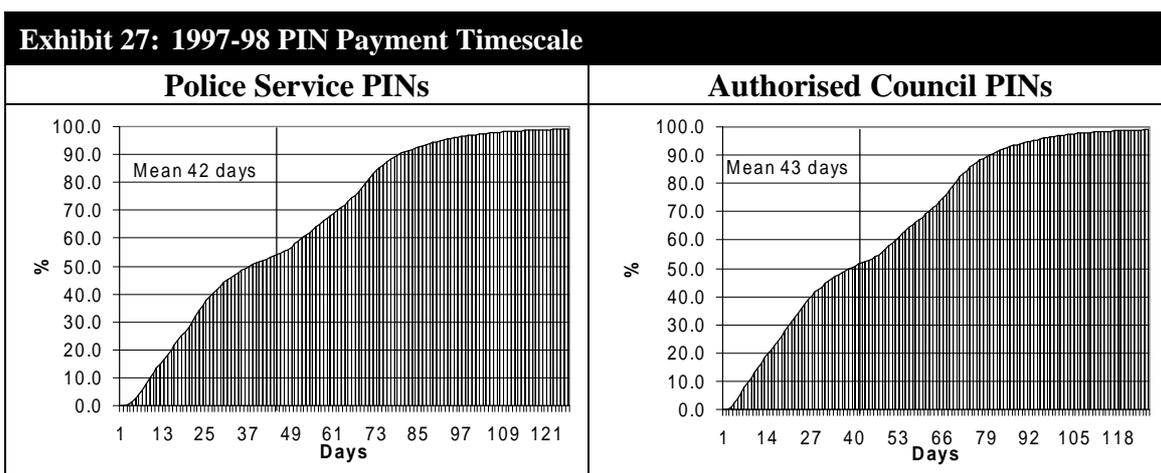
- the introduction of SEINS with courtesy letters and extended time frames for payment of fines (1984)
- payment of fines by cheque and credit card (1984)
- cancellation of licence/registration of motor vehicle for non payment of fines (1988)
- SDRO commenced operations and civil enforcement action such as wage garnisheeing (1998).

SEINS Timelines Under SEINS the timelines for actioning PINs are shown in Exhibit 26.

Exhibit 26: SEINS Timelines	
Day	Event/Comments
1	Offence detected and PIN issued
2-21	The offender has 21 days within which to pay or make a nomination or representation or elect to have the matter heard before a Local Court
22-35	The IPB allows a further 14 days after the expiration of the initial 21 day for receipt of mail and associated processing
36	If there has been no satisfaction action then a match is undertaken with RTA records
37	A courtesy reminder letter is sent to the offender
38-65	The offender has a further 28 days within which to pay or make a nomination or representation or court election
66-71	The IPB allows a further 7 days after the expiration of the reminder 28 day satisfaction period for receipt of mail and associated processing
72	The IPB commences fine default enforcement action

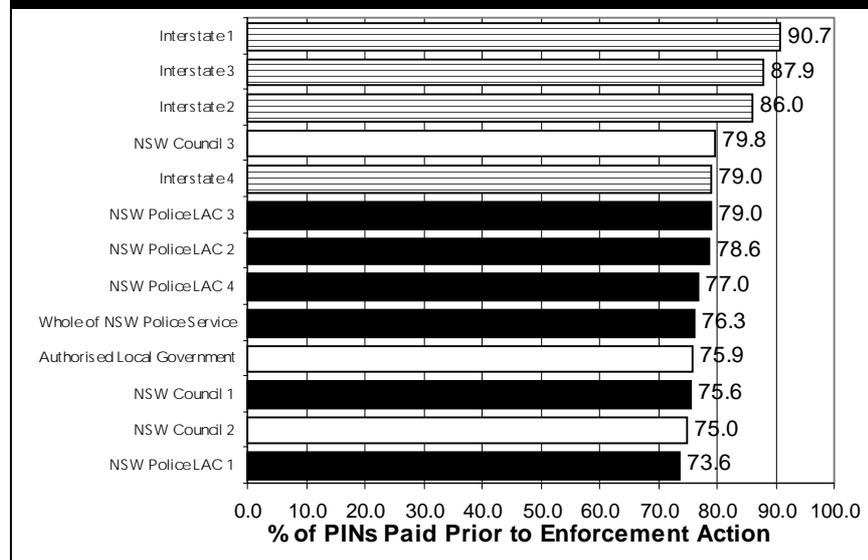
Source: IPB

Audit Observation The current system advertises that payment can be deferred and this opportunity is taken up by many infringed drivers. The issue of a courtesy (reminder) letter and the extended period often result in payment of fines due. This is illustrated by the fact that on average a fine is not paid until approximately 6 weeks after the notice of the offence was served.



Source: The Audit Office Analysis

Payment Rate In NSW, and for the year 1997-1998, the percentage of PINs paid (compared to those issued) prior to the commencement of enforcement action is below that achieved by interstate capital city councils.

Exhibit 28: Comparison of 1997–98 PIN Payment Rates NSW with Others**Source:**

- (a) City of Adelaide On-street Parking Improvement Opportunities Report February 1998
- (b) The Audit Office Analysis

Fine Defaults

In the period 1993-1998 there has been a downward trend in NSW for fine payments prior to recovery action.

NSW has a variety of fine default enforcement provisions within the law to deter late or non-payment fines. The provisions in NSW are similar to that applying in elsewhere in Australia that is licence revocation, seizure warrants, community service orders etc.

Audit Observation

In NSW it is often more necessary, than it is in other states, for authorities to commence enforcement action for non-payment of fines by the due date. Specific reasons for default are not known but a reason advanced is that the financial penalties in NSW are higher than elsewhere in Australia.

7.7 NSW Practice Compared**Tasmania**

NSW does not offer incentives for the prompt payment of fines. In Tasmania a failure to pay a fine by the due date will result in an increase in the monetary penalty for an offence.

In NSW the IPB does not have the facility to accept payment by credit card over the phone.

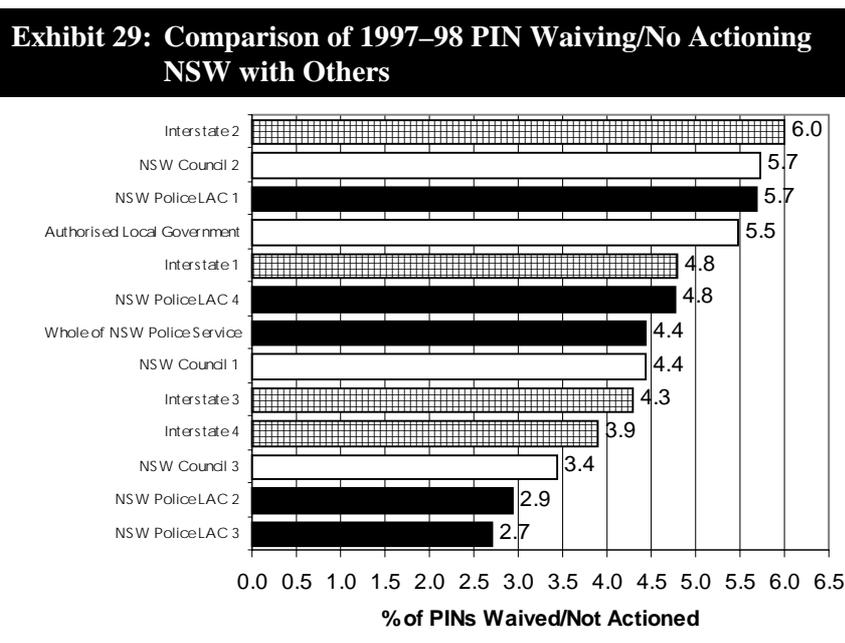
Audit Observation If NSW could achieve an up front parking fine payment rate of 80% then:

- Approximately \$2.2m in fines would be collected earlier than is currently the case
- Resources currently devoted to collection would be free for use on other work.

Conclusion There is a need to examine the reasons for the higher level of fine default in NSW compared to other states. There may be benefit in introducing further initiatives to encourage payment prior to resorting to enforcement action.

7.8 Waiving/No Actioning of Fines

Interstate Comparisons There are wide variations in the number of PINs waived or not actioned both within distinct operational areas in NSW and between NSW and other states (Exhibit 29 refers).



Source:

- (a) City of Adelaide On-street Parking Improvement Opportunities Report February 1998
- (b) The Audit Office Analysis

The reasons for the variations are not known but are believed to include:

- the infringement notice may not be enforceable (for example errors do occur in regard to the details of an offence or the offending vehicle which lead to an infringement notice being withdrawn because an offence can not be sustained)
- a more lenient attitude may be taken towards drivers with a commendable record
- the enforcement area itself for example, an area which receives more tourists, a matter which is commented upon later.

Audit Observation

The IPB does not provide feedback on the quality of infringements written to those operational areas (responsible for the issue of PINs). Consequently the opportunity is lost to learn from past mistakes and thereby reduce the potential for similar errors in the future.

Offences by Non-Residents

In 1997-98 there were 6,862 infringements waived for parking and traffic offences by non Australian residents, including overseas visitors. The value of waived notices for offences incurred by non-residents in 1997-98 was \$680,442.

The nature of the offences is described within Exhibit 30.

Exhibit 30: Waived Offences by Non-Residents in 1997-98		
Offence Type	No of Infringements	Monetary Value
Parking –		
Police Service	3,816	\$273,930
Local Govt Councils	982	\$62,525
Traffic – Police Service	2,064	\$343,987
Total	6,862	\$680,442

Source: The Audit Office Analysis

Note: Traffic infringements under the Act and the Regulations comprise such things as driving, radar and speed camera offences

Because the offences are classed as misdemeanours and not criminal matters, NSW/Australian law has no force in other countries.

The majority of offences committed by non-resident drivers occur in the use of rental cars.

In certain other countries non-resident drivers are billed for offences committed at either the time of returning a rental vehicle or subsequently via credit card debit. The police in Europe also collect “on the spot” fines from drivers via credit card.

RTA advised The Audit Office that the situation concerning non-residents meets the needs of justice as a driver must be given an opportunity to respond to an infringement notice before a fine is extracted.

Audit Observation

In NSW there is no capacity under the law to settle payment for offences via credit card either by “on the spot” payment or by rental companies collecting and remitting fines .

It is difficult and costly to collect fines for offences committed (in NSW/Australia) by non- residents if payment is not effected prior to the person leaving Australia. An attitude of leniency and hospitality may also prevail to overseas visitors.

While mindful of the principle of law, the practice with non-residents seems liberal when compared to practice in other countries.

With increased overseas visitors expected to Australia and NSW for the *Sydney 2000 Olympic and Paralympic Games*, non-resident drivers are at present able to breach traffic/parking law with impunity.

Conclusion

The current situation in regard to the non-payment of fines by non-residents is one requiring review. Consistent with the position taken by other countries there appears to be a stronger case for payment of fines for misdemeanours by non-residents prior to departing the country or by credit card debit.

8. Options for the Future

8.1 Introduction

This section of the report reviews and comments on future options for the enforcement of street parking.

The report identifies four different options each of which offers advantages and disadvantages. There may be other options and advantages/disadvantages.

The financial impact of councils assuming the enforcement role is also the subject of comment.

8.2 The Status Quo

Option 1

The Police Service would continue to provide the primary enforcement service while councils undertake enforcement as and when authorised by the Commissioner of Police.

Maintaining the current arrangements provides no additional cash costs to the state. The disadvantage is that the role of enforcement will continue as neither efficient or effective unless current arrangements are reorganised and managed more effectively.

8.3 The Police Service to Undertake Enforcement

Option 2

Under this option the Police Service (through PPOs) would undertake enforcement in all on-street areas (including residential parking).

The option:

- avoids sensitive industrial issues associated with any transfer of the enforcement function from the Police Service
- provides an opportunity to enhance the role and function of PPOs through multiskilling (section 4.2 *Role of PPOs and CLEOs* refers).
- creates difficulties for councils in managing the redeployment of non casual or temporary CLEOs
- would not address concerns (of the involvement of the Police Service in enforcement) held by some councils.

Also enforcement would continue as core business for the Police Service. This is not consistent with international practice and with other states.

The enforcement provided by the Police Service would require:

- improved management
- additional resources to be devoted to enforcement
- the introduction and use of contemporary technology to facilitate enforcement and its management.

8.4 Councils to Enforce

Option 3

Under this option councils would assume the role of enforcement from the Police Service.

The Police Service would retain enforcement powers in respect of priority traffic routes (for example clearways) and when necessary, for example, in potentially dangerous situations.

This option would see the practice of enforcement in NSW replicating practice in other countries and with other states. It also removes any grounds for complaint by councils of the effectiveness of enforcement services undertaken by the Police Service.

However, arrangements would need to be made for displaced PPOs. If revenue to the Consolidated Fund were to be maintained at the same level appropriate arrangements would need to be negotiated with councils.

Transferring enforcement to local government carries the potential for variations in the level of service (perhaps more so than the Police Service). It is questionable whether some councils should have the power to enforce all parking law given that there was a failure to effectively enforce parking law, albeit limited, under existing enforcement powers.

8.5 Contracting Out

Option 4

Under this option enforcement would be contracted out following an open tender in a competitive market.

Councils as well as the private sector would be able to tender to provide the enforcement service. As in Option 3 the Police Service would retain enforcement powers for use in limited circumstances.

Contracting out occurs in the City of London where parking enforcement is subject to compulsory competitive tendering. Private firms have been employed in that city to undertake the enforcement function.

Contracting out introduces a purchaser and provider relationship and thereby an opportunity to improve accountability for performance. Any contracting out will need to encompass commercial arrangements for the sharing of revenues and expenses.

Contracting out often presents the best opportunity to improve the efficiency and effectiveness of enforcement. However, this could give rise to further and louder accusations of revenue raising.

8.6 Transfer of Enforcement to Councils

Some councils have shown an interest in assuming the role of enforcement from the Police Service.

The RTA in correspondence has indicated there is merit in transferring the primary responsibility for enforcement to local government.

Financial Impact

The financial impact (based upon 1997-98 figures shown within Exhibit 31) of councils assuming the role of enforcement, is assessed as:

- State Budget – net reduction in revenue of approximately \$26.4m as a minimum (the State would continue to bear the enforcement and collection costs incurred by Local Courts, Police Prosecution Services, RTA and SDRO)
- local government councils – net gain of approximately \$21.8m.

Exhibit 31: Financial Impact of Transferring Primary Enforcement Responsibility to Councils	
<i>State Budget</i>	\$m
Revenue Foregone from Police Service Issued PINs	(44.394)
Police Service Parking Enforcement Cost Reduction	11.383
Additional IPBCSU Profit from Council PIN Processing	6.593
Local Courts, Police Prosecution Services, RTA and SDRO enforcement and collection costs	(unknown)
Net Reduction in State Budget	(26.418) + unknown
Councils	
Revenue Gained from former Police Service Issued PINs	44.394
Increased Enforcement Costs	(11.383)
Local Government Councils Higher IPBCSU Processing Fees	(11.209)
Net Increase in Councils Consolidated Funds	21,802

Source: The Audit Office Analysis

Notes:

1. The Police Service issued approximately 659,000 PINs in 1997-98. However, after “waived” and “no action” PINs are taken into account, the associated monetary value of the remaining 630,000 PINs is \$44.4m
2. Parking Patrol costs of \$11.4m exclude supervision and management by sworn police officers and other civilian costs (Exhibit 23 refers). For simplicity sake it has been assumed that this would be the additional cost of increased councils enforcement role
3. The IPBCSU costs for processing a local government council infringement is in the order of \$7 while the fee charge is roundly \$17, a profit of \$10 per PIN
4. The distribution of revenues from enforcement under the law is currently determined by the enforcement agency issuing the PIN.

Local government councils receive funds from the State Budget (via RTA) for various purposes such as a road signage, marking and maintenance. Any loss to the State Budget from changed arrangements could be recouped by a “set off” of monies paid to local government.

A service fee could be levied on councils to recover the costs of enforcement action by Local Courts, Police Prosecution Services, RTA and SDRO.

Conclusion

Any variation in the current arrangements will impact upon the State Budget unless there is either a variation to the law or the introduction of a commercial arrangement for the distribution of revenue and costs associated with enforcement.

Appendices

9.1 Organisations etc Contacted

In the course of the audit contact was had with the following organisations etc

- NSW Police Service officers and civilians at:
 - Police Headquarters
 - Adams Implementation Team
 - Traffic Services Branch
 - Infringement Processing Bureau
 - Local Area Commands at City Central, Harbourside, Leichhardt and The Rocks.
- representatives of the:
 - Department of Local Government
 - Joint Standing Committee on Road Safety (STAYSAFE)
 - Local Government Association
 - the Ministry for Police
 - Ombudsman's Office
 - Pedestrian Council of Australia
 - Roads and Traffic Authority of NSW
 - NSW Treasury
- local government councils (City of Adelaide, City of Melbourne, City of Perth, City of Sydney, Leichhardt Municipal and North Sydney)
- Audit Commission of England and Wales (who provided advice on the provision of parking enforcement services).

The National Roads and Motorists Association (NRMA) was invited in writing on 16 November 1998 and 23 April 1999 to provide input the audit. No response was received.

9.2 Restrictions on Public Street Parking under the Motor Traffic Regulations 1935

Exhibit 32 below details the regulatory restrictions applicable to public that is on-street parking. A failure to comply with any of these regulations is an offence and may result in the issue of a PIN.

Exhibit 32: Motor Traffic Regulations 1935 Restrictions on Public Street Parking		
Regulation	Offence Note (1)	Penalty
54(6)(ao)	Stand vehicle in restricted parking area	\$60
54(7)	Stand contrary to notice – bus lane	\$134
54(7)	Stand contrary to notice – clearway sign	\$134
54(7)	Stand contrary to notice – construction zone	\$67
54(7)	Stand contrary to notice – disabled person symbol (only)	\$134
54(7)	Stand contrary to notice – in excess time limit	\$60
54(7)	Stand contrary to notice – in excess time limit – resident parking <i>Note (2)</i>	\$60
54(7)	Stand contrary to notice – loading zone	\$82
54(7)	Stand contrary to notice – no parking – 1 hour or less	\$60
54(7)	Stand contrary to notice – no parking – excess 1 hour	\$67
54(7)	Stand contrary to notice – no standing	\$60
54(7)	Stand contrary to notice – no stopping	\$134
54(7)	Stand contrary to notice – no stopping marked footcrossing/childrens crossing	\$200
54(7)	Stand contrary to notice – transit lane	\$134
54(7)	Stand contrary to notice – truck zone	\$82
54(7)	Stand contrary to notice – where sign wording not specified above and vehicle standing contrary to direction on sign eg motor cycles only, vehicles under 6m only etc	\$60
81(1)	Not stand close and parallel <i>Note (2)</i>	\$60
81(1)(ii)	Not angle park correctly – signs front to kerb	\$60
81(1)(ii)	Not angle park correctly – signs rear to kerb	\$60
81(1)(ii)	Stand at incorrect angle – angle parking signs	\$60
81(1)(iii)	Not stand close and parallel (motor cycles) <i>Note (2)</i>	\$60
81(2)	Not stand vehicle off carriageway	\$60
81A(1)(a)	Unlawfully stand heavy vehicle – road/area lighting	\$67
81A(1)(b)	Unlawfully stand heavy vehicle – no road/area lighting	\$67
83(a)	Stand abreast of another vehicle	\$82
83(b)	Stand within 1m of another vehicle	\$60
84(1)(b)	Stand between taxi stand notices	\$60
84(1)(b)	Stand between taxi zone notices	\$60
84(1)(c)(i)	Stand at bus stop – single sign only	\$82
84(1)(c)(ii)	Stand between notices – bus stand	\$82
84(1)(c)(ii)	Stand between notices – bus stop	\$82
84(1)(c)(ii)	Stand between notices – bus zone	\$82
84(1)(c1)	Stand on public vehicle stand	\$60
84(1)(d)	Stand within 4m postal pillar box	\$60
84(1)(f)	Stand upon intersection	\$60
84(1)(g)	Stand within 6m of property alignment	\$60
84(1)(g2)	Stand within 9m of marked footcrossing	\$60
84(1)(h)	Stand on curve – obstruct view 50m beyond	\$60
84(1)(h)	Stand on grade – obstruct view 50m beyond	\$60
84(1)(i)	Stand within 3m of separation line/s	\$60
84(1)(j)	Stand on median strip	\$60
84(1)(j)	Stand on traffic island	\$60

Exhibit 32: Motor Traffic Regulations 1935 Restrictions on Public Street Parking continued		
Regulation	Offence Note (1)	Penalty
85(2)	Cause obstruction to pedestrian <i>Note (2)</i>	\$60
85(2)	Cause obstruction to traffic <i>Note (2)</i>	\$60
91(a)	Park in occupied metered space	\$60
91(b)	Park across markings of metered space	\$60
91BB(1)	Park without current coupon	\$60
91BB(3)	Display more than 3 coupons at a time	\$60
91BB(4)	Park after coupon expired	\$60
91BB(5)	Park for longer than allowed by coupon signs	\$60
91CC(a)	Park in occupied coupon space	\$60
91CC(b)	Park across markings of coupon space	\$60
91DD(2)	Park in discontinued coupon space	\$60
91EE(a)	Display article/thing falsely resembling parking coupon	\$338
91EE(b)	Display altered/defaced/mutilated parking coupon	\$338
91H(1)	Park outside metered space	\$60
91H(2)	Park without paying meter fee	\$60
91H(4)	Park after meter expired	\$60
91H(5)	Park for longer than allowed by metered signs	\$60
91J(2)	Park in discontinued metered space	\$60
91K(a)	Insert prohibited matter into parking meter	\$338
91K(b)	Deface/affix anything to parking meter	\$60
91R(1)	Park without current ticket	\$60
91R(3)	Park after ticket expired	\$60
91R(4)	Park for longer than allowed by ticket signs	\$60
91S(a)	Park in occupied ticket space	\$60
91S(b)	Park across markings of ticket space	\$60
91T(2)	Park in discontinued ticket space	\$60
91U(a)	Display article/thing falsely resembling parking ticket	\$338
91U(b)	Display altered/defaced/mutilated/illegible parking ticket	\$338
91V(a)	Insert prohibited matter into ticket machine	\$338
91V(b)	Deface/affix anything to ticket machine	\$60

Source:

- (a) Motor Traffic Regulations 1935
- (b) IPB Parking and Local Government Council Fixed Penalty Handbooks 1 August 1998 and 7 October 1998 respectively

Note:

1. A penalty notice may be served where it appears that any person is guilty of a prescribed offence under the Act or the Regulations, as detailed above, by :
 - a member of the Police Service that is a sworn officer
 - a prescribed officer who is:
 - ⇒ a special constable ie PPO, who during the course of his or her normal employment, is subject to the control and direction of the Commissioner of Police
 - ⇒ a employee of the IPB authorised by the Commissioner of Police to issue notices
 - ⇒ a employee, who is authorised under Section 8G of the Environmental Offences and Penalties Act 1989, of a local government council which has been authorised in writing by the Commissioner of Police to enforce parking offences prescribed in Schedule K of the Regulations ie a CLEO and/or CPEO
2. In accordance with Motor Traffic Regulation 130A(1)(f) local government council employees, who are authorised under Section 8G of the Environmental Offences and Penalties Act 1989, can without any other further authorisation under the Regulations serve penalty notices where it appears that any person is guilty of any of these four particular parking offences.

9.3 Adams Report Recommendations

The recommendations made in the Adams Report for improving the efficiency and effectiveness of parking enforcement were:

1. The Service continue to enter into on-street parking agreements with councils.
2. The Service review its current arrangements with councils with a view to retaining on-street parking enforcement in CBD precincts in metropolitan and major rural areas.
3. That consideration be given to authorising councils in small or isolated areas in which the Service is unable to efficiently and economically provide a reasonable level of service, to undertake all on-street parking enforcement.
4. The role and functions of PPO be expanded to include a range of traffic safety functions, including speed cameras and red light cameras.
5. The Service bring the current PPO establishment up to its full strength.
6. That once having achieved the full establishment of PPOs the Service submit a business case and prepare a funding proposal to Treasury to facilitate any expansion of traffic safety activities.
7. PPOs be re-styled as “Traffic Safety Officers” to reflect their expanded role and functions.
8. Traffic Safety Officers be employed as member of the Service rather than Ministerial employees.
9. Traffic Safety Officers be provided with a distinctive uniform, making them more identifiable as members of the Service.
10. That the current level of supervision and management of Traffic Safety Officers be improved by introducing a performance management system.
11. Subject to the acceptance of the Business Case, Traffic Safety Officers be equipped with portable radios, hand held computers and transport (motor scooters, golf carts etc) to increase their effectiveness.

The Adams Report advised that in priority terms respectively Recommendations 5, 4 and 10 had to be successfully completed prior to any options or any business case being put to Treasury.

9.5 Act and Regulations Enforced by CLEOs

Council currently authorise employees to enforce a wide range of Acts and Regulations including:

- Local Government Act 1993 and Regulations
- Clean Air Act 1961 and Regulations
- Clean Waters Act 1970 and Regulations
- Noise Control Act 1975 and Regulations
- Swimming Pool Act 1992
- Environmental Offences and Penalties Act 1989
- Waste Minimisation and Management Act 1995
- Noxious Weeds Act 1993 and Regulations
- Rural Fires Act 1997 and Regulations
- Crown Lands Act 1989
- Companion Animals Act 1998 and Regulations
- Impounding Act 1993

together with a wide variety of regulations associated with the use of roads, e.g., vehicle weight, especially on bridges, ferries and the like, wheel clamping, damage to roads, and personal behaviour on bridges and ferries.

9.6 Councils Authorised by Commissioner of Police as at 30 June 1998

Exhibit 34: Councils Authorised by Commissioner of Police as at 30 June 1998			
Council	Date Authorised[⊕]	Enforcement Coverage Area	IPB Service Level
Ashfield Municipal	26/07/1993	Partial	General
Baulkham Hills Shire	22/11/1996	Partial	Premium
Bega Valley Shire	05/12/1996	Partial	General
Bellingen Shire	19/02/1993	All	General
Blacktown City	08/09/1994	Partial	General
Botany Bay City	05/05/1993	Partial	General
Burwood	16/06/1994	Partial	Basic
Byron Shire	01/03/1993	All	General
Coffs Harbour City	01/03/1993	Partial	General
Cooma-Monaro Shire	24/10/1997	Partial	Premium
Drummoyne	16/06/1994	Partial	General
Eurobodalla Shire	18/08/1993	Partial	General
Fairfield City	08/09/1994	Partial	General
Hornsby Shire	16/09/1994	Partial	Premium
Hurstville City	08/09/1997	Partial	Premium
Inverell Shire	28/10/1996	All	General
Kiama Municipal	06/06/1993	Partial	General
Kogarah Municipal	07/11/1994	Partial	General
Kuring-gai Municipal	15/05/1997	Partial	General
Lake Macquarie City	17/01/1997	All	General
Leichhardt Municipal	28/10/1996	Partial	Premium
Lismore City	17/03/1997	Partial	Basic
Manly	18/11/1994	Partial	Premium
Mosman Municipal	19/02/1993	Partial	Premium
Mudgee Shire	06/06/1993	All	Premium
Narrabri Shire	28/10/1996	All	Premium
Newcastle City	10/06/1993	Partial	General
North Sydney	19/02/1993	Partial	Basic
Parramatta City	28/10/1996	Partial	Premium
Pittwater	04/11/1994	Partial	General
Queanbeyan City	28/10/1996	Partial	Premium
Randwick City	01/12/1997	Partial	General
Rockdale City	06/09/1993	Partial	General
Ryde City	28/10/1996	Partial	General

[⊕] According to IPBCSU records

Exhibit 34: Councils Authorised by Commissioner of Police as at 30 June 1998			
Council	Date Authorised[⊗]	Enforcement Coverage Area	IPB Service Level
Shoalhaven City	28/10/1996	Partial	General
Snowy River Shire	26/07/1993	All	Premium
Strathfield Municipal	19/02/1993	Partial	Basic
Sutherland Shire	15/07/1994	Partial	Basic
Sydney City	16/04/1993	Partial	Basic
Tamworth City	14/10/1993	Partial	General
Tumut Shire	06/04/1994	All	Premium
Warringah	17/01/1997	Partial	General
Waverley	28/10/1996	Partial	Premium
Wellington	28/10/1996	All	Basic
Willoughby City	28/10/1996	Partial	General
Woollahra Municipal	05/05/1993	Partial	Premium
Wyong Shire	04/04/1995	Partial	General

Source: IPBCSU

Standards of Service Offered to Clients by the IPB

The three levels of service, based upon the treatment of representations, offered by the IPB to clients are:

- at basic level (current cost \$16.90), the representation is forwarded to the client for it to adjudicate and to advise both the respondent and IPB of the result.
- At general level (current cost \$17.25), the representation is forwarded to the client for the client to adjudicate, with the result to be forwarded to the IPB for the IPB to respond on Police Service IPB letterhead.
- At premium level (current cost \$18.05), the representation is adjudicated by the IPB (with contact with the client being required only if the details forwarded to IPB with the infringement require further clarification in light of information provided with the representation) and the result is advised under Police Service IPB letterhead.

[⊗] According to IPBCSU records

9.7 List of Exhibits

Exhibit 1: Variations in Authorised Strength and Registered Vehicles	15
Exhibit 2: PINs Issued 1997-98 and Associated Value	17
Exhibit 3: Cost of the Audit	22
Exhibit 4: Number of Councils Authorised 1993-1998	38
Exhibit 5: Examples of Illegal Parking on Footpaths	56
Exhibit 6: Illegal Parking within 100 Metres Sydney CBD Police Station	62
Exhibit 7: Examples of Illegally Parked Specialist Delivery Vehicles	64
Exhibit 8: PINs Issued 1997-98 to Taxis in Council of the City of Sydney Area	66
Exhibit 9: Taxi Illegally Standing (No Stopping Zone)	66
Exhibit 10: Frequency of PIN Receipt in 1997-98 (by Registration Number)	68
Exhibit 11: Nature of Top 100 Parking Offenders 1997-98	69
Exhibit 12: Number of PPOs and Registered Motor Vehicles 1948-1998	75
Exhibit 13: PIN Issues 1989-90 Compared with 1997-98	76
Exhibit 14: Infringements Issued per Parking Officer 1997-98	77
Exhibit 15: Geographic Distribution of PINs Issued in 1997-98	78
Exhibit 16: Distribution of PPOs between Sydney Metropolitan and Non Metropolitan Areas	80
Exhibit 17: Average PINs issued by PPO Location in 1997-98	81
Exhibit 18: PPO Rostering at Four Police Service LACs	82
Exhibit 19: Comparison of Average Days Sickness Absence 1997-98	85
Exhibit 20: Comparison of Working Days (Shifts) Lost 1997-98	86
Exhibit 21: Time taken in 1997-98 for Processing PINs to Traffic Penalties System	90
Exhibit 22: Comparison of 1997-98 PIN Court Elects/Not Actioned	94
Exhibit 23: Known and Estimated Costs and Revenues for Street Parking Enforcement 1997-98	101
Exhibit 24: Police Service PINs Issued 9/1997 – 8/1998 by Enforcement Employee Type Resource	104
Exhibit 25: Average Cost of a PIN Issue in 1997-98	105
Exhibit 26: SEINS Timelines	109
Exhibit 27: 1997-98 PIN Payment Timescale	109
Exhibit 28: Comparison of 1997-98 PIN Payment Rates NSW with Others	111

Exhibit 29: Comparison of 1997-98 PIN Waiving/No Actioning NSW with Others	112
Exhibit 30: Waived Offences by Non-Residents in 1997-98	113
Exhibit 31: Financial Impact of Transferring Primary Enforcement Responsibility to Councils	119
Exhibit 32: Motor Traffic Regulations 1935 Restrictions on Public Street Parking	123
Exhibit 33: PIN Issued 1994-98	126
Exhibit 34: Councils Authorised by Commissioner of Police as at 30 June 1998	130

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Performance Audits by The Audit Office of New South Wales

Performance audits seek to serve the interests of the Parliament, the people of New South Wales and public sector managers.

The legislative basis for performance audits is contained within the *Public Finance and Audit Act 1983, Division 2A*, which differentiates such work from the Office's financial statements audit function. Performance audits examine whether an authority is carrying out its activities effectively and doing so economically and efficiently and in compliance with all relevant laws. These audits also evaluate whether members of Parliament and the public are provided with appropriate accountability information in respect of those activities.

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When undertaking performance audits, auditors can look either at results, to determine whether value for money is actually achieved, or at management processes, to determine whether those processes should ensure that value is received and that required standards of probity and accountability have been met. A mixture of such approaches is common.

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1	Department of Housing	<i>Public Housing Construction: Selected Management Matters</i>	5 December 1991
2	Police Service, Department of Corrective Services, Ambulance Service, Fire Brigades and Others	<i>Training and Development for the State's Disciplined Services: Stream 1 - Training Facilities</i>	24 September 1992
3	Public Servant Housing	<i>Rental and Management Aspects of Public Servant Housing</i>	28 September 1992
4	Police Service	<i>Air Travel Arrangements</i>	8 December 1992
5	Fraud Control	<i>Fraud Control Strategies</i>	15 June 1993
6	HomeFund Program	<i>The Special Audit of the HomeFund Program</i>	17 September 1993
7	State Rail Authority	<i>Countrylink: A Review of Costs, Fare Levels, Concession Fares and CSO Arrangements</i>	10 December 1993
8	Ambulance Service, Fire Brigades	<i>Training and Development for the State's Disciplined Services: Stream 2 - Skills Maintenance Training</i>	13 December 1993
9	Fraud Control	<i>Fraud Control: Developing an Effective Strategy (Better Practice Guide jointly published with the Office of Public Management, Premier's Department)</i>	30 March 1994
10	Aboriginal Land Council	<i>Statutory Investments and Business Enterprises</i>	31 August 1994
11	Aboriginal Land Claims	<i>Aboriginal Land Claims</i>	31 August 1994
12	Children's Services	<i>Preschool and Long Day Care</i>	10 October 1994
13	Roads and Traffic Authority	<i>Private Participation in the Provision of Public Infrastructure (Accounting Treatments; Sydney Harbour Tunnel; M4 Tollway; M5 Tollway)</i>	17 October 1994
14	Sydney Olympics 2000	<i>Review of Estimates</i>	18 November 1994
15	State Bank	<i>Special Audit Report: Proposed Sale of the State Bank of New South Wales</i>	13 January 1995
16	Roads and Traffic Authority	<i>The M2 Motorway</i>	31 January 1995

No.	Agency or Issue Examined	Title of Performance Audit Report or Publication	Date Tabled in Parliament or Published
17	Department of Courts Administration	<i>Management of the Courts: A Preliminary Report</i>	5 April 1995
18	Joint Operations in the Education Sector	<i>A Review of Establishment, Management and Effectiveness Issues (including a Guide to Better Practice)</i>	13 September 1995
19	Department of School Education	<i>Effective Utilisation of School Facilities</i>	29 September 1995
20	Luna Park	<i>Luna Park</i>	12 October 1995
21	Government Advertising	<i>Government Advertising</i>	23 November 1995
22	Performance Auditing In NSW	<i>Implementation of Recommendations; and Improving Follow-Up Mechanisms</i>	6 December 1995
23	Ethnic Affairs Commission	<i>Administration of Grants (including a Guide To Better Practice)</i>	7 December 1995
24	Department of Health	<i>Same Day Admissions</i>	12 December 1995
25	Environment Protection Authority	<i>Management and Regulation of Contaminated Sites: A Preliminary Report</i>	18 December 1995
26	State Rail Authority of NSW	<i>Internal Control</i>	14 May 1996
27	Building Services Corporation	<i>Inquiry into Outstanding Grievances</i>	9 August 1996
28	Newcastle Port Corporation	<i>Protected Disclosure</i>	19 September 1996
29	Ambulance Service of New South Wales	<i>Charging and Revenue Collection (including a Guide to Better Practice in Debtors Administration)</i>	26 September 1996
30	Department of Public Works and Services	<i>Sale of the State Office Block</i>	17 October 1996
31	State Rail Authority	<i>Tangara Contract Finalisation</i>	19 November 1996
32	NSW Fire Brigades	<i>Fire Prevention</i>	5 December 1996
33	State Rail	<i>Accountability and Internal Review Arrangements at State Rail</i>	19 December 1996
34	Corporate Credit Cards	<i>The Corporate Credit Card (including Guidelines for the Internal Control of the Corporate Credit Card)</i>	23 January 1997
35	NSW Health Department	<i>Medical Specialists: Rights of Private Practice Arrangements</i>	12 March 1997
36	NSW Agriculture	<i>Review of NSW Agriculture</i>	27 March 1997

No.	Agency or Issue Examined	Title of Performance Audit Report or Publication	Date Tabled in Parliament or Published
37	Redundancy Arrangements	<i>Redundancy Arrangements</i>	17 April 1997
38	NSW Health Department	<i>Immunisation in New South Wales</i>	12 June 1997
39	Corporate Governance	<i>Corporate Governance Volume 1 : In Principle Volume 2 : In Practice</i>	17 June 1997
40	Department of Community Services and Ageing and Disability Department	<i>Large Residential Centres for People with a Disability in New South Wales</i>	26 June 1997
41	The Law Society Council of NSW, the Bar Council, the Legal Services Commissioner	<i>A Review of Activities Funded by the Statutory Interest Account</i>	30 June 1997
42	Roads and Traffic Authority	<i>Review of Eastern Distributor</i>	31 July 1997
43	Department of Public Works and Services	<i>1999-2000 Millennium Date Rollover: Preparedness of the NSW Public Sector</i>	8 December 1997
44	Sydney Showground, Moore Park Trust	<i>Lease to Fox Studios Australia</i>	8 December 1997
45	Department of Public Works and Services	<i>Government Office Accommodation</i>	11 December 1997
46	Department of Housing	<i>Redevelopment Proposal for East Fairfield (Villawood) Estate</i>	29 January 1998
47	NSW Police Service	<i>Police Response to Calls for Assistance</i>	10 March 1998
48	Fraud Control	<i>Status Report on the Implementation of Fraud Control Strategies</i>	25 March 1998
49	Corporate Governance	<i>On Board: guide to better practice for public sector governing and advisory boards (jointly published with Premier's Department)</i>	7 April 1998
50	Casino Surveillance	<i>Casino Surveillance as undertaken by the Director of Casino Surveillance and the Casino Control Authority</i>	10 June 1998
51	Office of State Revenue	<i>The Levying and Collection of Land Tax</i>	5 August 1998
52	NSW Public Sector	<i>Management of Sickness Absence NSW Public Sector Volume 1: Executive Briefing Volume 2: The Survey - Detailed Findings</i>	27 August 1998
53	NSW Police Service	<i>Police Response to Fraud</i>	14 October 1998

No.	Agency or Issue Examined	Title of Performance Audit Report or Publication	Date Tabled in Parliament or Published
54	Hospital Emergency Departments	<i>Planning Statewide Services</i>	21 October 1998
55	NSW Public Sector	<i>Follow-up of Performance Audits: 1995 - 1997</i>	17 November 1998
56	NSW Health	<i>Management of Research: Infrastructure Grants Program - A Case Study</i>	25 November 1998
57	Rural Fire Service	<i>The Coordination of Bushfire Fighting Activities</i>	2 December 1998
58	Walsh Bay	<i>Review of Walsh Bay</i>	17 December 1998
59	NSW Senior Executive Service	<i>Professionalism and Integrity Volume One: Summary and Research Report Volume Two: Literature Review and Survey Findings</i>	17 December 1998
60	Department of State and Regional Development	<i>Provision of Industry Assistance</i>	21 December 1998
61	The Treasury	<i>Sale of the TAB</i>	23 December 1998
62	The Sydney 2000 Olympic and Paralympic Games	<i>Review of Estimates</i>	14 January 1999
63	Department of Education and Training	<i>The School Accountability and Improvement Model</i>	12 May 1999
64	Key Performance Indicators	<ul style="list-style-type: none"> • <i>Government-wide Framework</i> • <i>Defining and Measuring Performance (Better practice Principles)</i> • <i>Legal Aid Commission Case Study</i> 	31 August 1999
65	Attorney General's Department	<i>Management of Court Waiting Times</i>	3 September 1999
66	Office of the Protective Commissioner Office of the Public Guardian	<i>Complaints and Review Processes</i>	28 September 1999
67	University of Western Sydney	<i>Administrative Arrangements</i>	17 November 1999
68	NSW Police Service	<i>Enforcement of Street Parking</i>	November 1999



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