



Revenue NSW

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Online submission at:  
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## **Re: Consultation on the Draft Fines Amendment (Parking Fines) Regulation 2025**

Thank you for the opportunity to provide a submission regarding the consultation on the draft *Fines Amendment (Parking Fines) Regulation 2025*.

The Southern Sydney Regional Organisation of Councils Inc (SSROC) is an association of twelve local councils in the area south of Sydney Harbour, covering central, inner west, eastern and southern Sydney. SSROC acknowledges the traditional custodians of the land on which we work and live, the peoples of the Darug, Dharawal and Eora Nations.

SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. Together, our member councils cover a population of about 1.8 million, one third of the population of Sydney, including Australia's most densely populated suburbs. SSROC seeks to advocate for the needs of our member councils and bring a regional perspective to the issues raised.

SSROC and its member councils have a strong interest in the recent legislative developments concerning parking fines and the development of the Fines Amendment (Parking Fines) Regulation 2025 and welcomes the opportunity to provide input into the draft Regulations.

### **1 Understanding**

The Fines Amendment (Parking Fines) Bill 2024 was passed by Parliament on 13 November 2024 and has received assent. The legislative reforms apply to all councils that issue parking fines in NSW.

Key features of the legislation include:

- Requirements to attach an on-the-spot notification to the vehicle, when it is safe to do so.
- Limited exceptions where an on-the-spot notification is not required, for example where it may be unsafe for a ranger to do so or the vehicle is in a prescribed parking zone.
- Introduction of data reporting rules relating to the use of exceptions to the notification requirement.

- Requirements to take photos of the parking offence and make them available to Revenue NSW or to drivers, upon request.
- Requirements for authorised officers to record the reasons why a notification was not left on the vehicle and to make this available to Revenue NSW or the driver, upon request.
- Specifying the type of location and signage required for ‘prescribed parking zones’, where a notification is not required.
- Invalidation of ‘repeat’ ticketless parking fines for the same kind of parking offence in the same location, if issued within seven days of the first fine.
- Invalidation of fines where there is a significant failure to comply with the new provisions.

In November 2024, Revenue NSW established a working group with representatives from stakeholders including Local Government NSW, the United Services Union, the NRMA and Community Legal Centres to help inform the development of the Regulations.

This process will also be informed by submissions that Revenue NSW receives from local councils on the draft Regulations.

## 2 General Comments

SSROC generally supports the development of regulations to assist with the successful implementation of the Fines Amendment (Parking Fines) Act 2024.

However, the legislation and regulation in certain situations could expose workers to health and safety risks that could be better mitigated, impose unnecessary administrative burdens on councils, create loopholes to permit illegal parking or use terminology that inadvertently invalidates fines whether placed on a vehicle or not.

### ***Work Health and Safety***

Under the *Work Health and Safety Act 2011* local councils have obligations to “*ensure, so far as reasonably practicable, the health and safety of workers*”.

While there are some provisions in the Fines Amendment (Parking Fines) Act 2024 in the event an officer is assaulted, they do not provide the necessary deterrent or sufficient support to council officers. Unlike council enforcement officers, retail workers have no obligation to enforce any legislation or put themselves in harm’s way to enforce NSW legislation. However, greater penalties can be applied to anyone who assaults, harasses or intimidates a retail worker than to anyone who perpetrates the same offences against a council enforcement officer.

There is an opportunity for the definition of law enforcement officer in [60AA](#) of the Crimes Act to include “a person who is employed as an *authorised person* under the Local Government Act 1993 for the purposes of enforcing NSW legislation”. They are currently excluded.

## Recommendation 1

Changes to the Crimes Act be considered and be recommended to Government to better protect the safety of, and deter harm to, council officers attaching an on-the-spot notification to vehicles found infringing parking rules.

### *Definition of “attach” ensuring more consistent statutory compliance*

The term “attach or attached” needs to be more clearly defined to reflect the action of leaving a penalty on a vehicle. It is proposed that the following clarification be used in the Regulation. **“Attach means to leave, or put on a vehicle, a notification”**.

The term “left on” is used in the Road Transport (General) Regulation 2021 S138 “a penalty notice **left on** or attached to a motor vehicle” and provides a consistent definition across relevant similar roads legislation.

The term “attach” is defined in the Oxford Dictionary as “to fasten or join one thing to another” and would require officers to potentially use an adhesive to fulfill the definition of attach.

The proposed clarification should be included in the Regulation to avoid a possible legal argument and ambiguity, that the penalty notice was not “attached” to the vehicle, but “left on” the vehicle.

## Recommendation 2

Changes to the *Fines Amendment (Parking Fines) Regulation 2025* be considered to clarify that “attach” **means to leave, or put on a vehicle, a notification**’ to ensure consistent statutory compliance.

### *Effective systems to minimise the administrative burden on councils*

It is important that electronic penalty notice systems, such as Pinforce provided by Orikan, support and enable accurate, streamlined compliant reporting requirements.

It is proposed that Revenue NSW require that providers of electronic penalty notice systems to councils amend their systems to ensure that all reporting criteria data required to fulfill reporting requirements under Section 24AD of the Act is accurately captured. This guidance should ensure that:

- i. Officers can record the valid reasons, stipulated by the Act and Regulation, for not leaving a notification on a vehicle;
- ii. Issuing agencies can run reports that capture the information required via reportable fields; and,
- iii. Data is provided by Revenue NSW to councils, relating to clause 5C(2)(d) of the Regulation, that can be reconciled on an organisation’s electronic penalty notice system.

It is proposed that Revenue NSW require that providers of electronic, penalty notice systems to councils amend their systems to ensure that a warning notifications system,

similar to that mandated and operated for Print and Post fines to prevent duplications, is enabled to ensure that officers are warned of any fines issued to the same vehicle within a 7-day period. This is to ensure that the provisions of 24AG of the Act are complied with to help avoid the issuing of invalid fines.

### Recommendation 3

Changes to the *Fines Amendment (Parking Fines) Regulation 2025* or other compliance guidance be considered so that it is clear that Revenue NSW requires providers of electronic penalty notice systems to councils to amend their systems, to ensure that:

1. collected data effectively satisfies statutory reporting;
2. a warning notification system is enabled to help prevent the issuing of duplicate fines within a 7-day period to the same vehicle.

The information below outlines recommendations for consideration of clauses to be added to the Regulations.

### ***5B Additional grounds for not attaching a notification***

Further consideration should be given to adding three additional grounds or circumstances to the Regulations for not attaching a notification to the vehicle (Part 2A Parking Offences - special provision, 5B):

#### **1. If the vehicle is a trailer, as defined in the *Road Transport Act 2013***

It is not generally possible to leave a penalty notice on a trailer in such a way as to ensure that it does not come loose. Councils have also reported that trailers are not regularly attended by their owners, especially if they are not parked in close proximity to the owner's premises. This may result in multiple fines being left on the vehicle before they become aware of the initial fine through a reminder notice.

#### **2. If an appropriate officer conducting vehicle-based patrols cannot obtain legal parking within a reasonable distance of the vehicle observed illegally parked**

Due to the size of many local government areas it is not effective, efficient or safe to conduct only foot patrols. Where an offence is observed and there is no legal parking within a reasonable distance, it is proposed that this be deemed to be grounds for not attaching a notification. A reasonable distance might be defined as "*50 metres or more, and in a direct line of sight, of the illegally parked vehicle*". This is a reasonable distance for an officer to walk from a patrol vehicle and importantly, be able to see that the vehicle is still there.

#### **3. If the vehicle is unregistered.**

Section 24AA of the Act defines a parking offence as "*an offence of standing or parking a vehicle or of causing or permitting a vehicle to stand, wait or be parked in contravention of a law*". As Road Rules 2014 is not prescribed as the law for *parking offences*, rather the

non-specific term of “a law” is used. This could again lead to unnecessary legal challenges or be deemed a “*Significant failure to comply with division*” under 24AH of the Act, rendering the penalty notice invalid. It also needs to replicate the proposed exemption in point 1 above (for a trailer) to ensure that multiple fines are not being left on vehicles without the owner knowing until a reminder notice is received.

#### **Recommendation 4**

It is recommended that three additional grounds for not attaching a notification, in the *Fines Amendment (Parking Fines) Regulation 2025*, be considered, namely:

1. If the vehicle is a trailer, as defined in the *Road Transport Act 2013*
2. If an appropriate officer conducting vehicle-based patrols cannot obtain legal parking within a reasonable distance of the vehicle observed illegally parked
3. If the vehicle is unregistered.

#### ***5F Location of prescribed parking zone signs (clauses for consideration to be added)***

Given that the intent of a [School Zone](#) is to help protect children on their way to and from school, School Zones (during school zone times) may be declared prescribed parking zones. For clarity for all stakeholders, the Regulation would note the location of prescribed parking zones for schools.

Signs at the beginning and end of a school zone would be used to identify a prescribed parking zone in a School Zone provided they were:

- i. TfNSW-approved school zone signs,
- ii. Only function during school zone times, and
- iii. Only apply to school zone offences under Road Rules 2014.

#### **Recommendation 5**

It is recommended that the location of parking zone signs for School Zones be added to the Regulations.

#### ***5F Car parks as prescribed parking zones***

Under the proposed Regulations car parks need to be at least 200 car parking spaces, with designated entry and exit points and a remote enforcement system.

It is unclear why there is an arbitrary 200 car threshold for this provision. It is important that there are consistent logical rules for car parks being designated prescribed parking zones. It is important that the designation is not confusing for the public to navigate, as they will move between car parks. This 200-car space threshold also seems to be unnecessarily high if the other provisions are complied with.

#### **Recommendation 6**

It is recommended that the car space threshold for car parks designated as prescribed parking zones be reviewed and potentially lowered.

### 3 Conclusion


Thank you for the opportunity to provide a submission regarding the draft Fines Amendment (Parking Fines) Regulation 2025.

This submission advocates particularly for regulations that support councils to achieve the efficient and safe implementation of the Fines Amendment (Parking Fines) Act 2024. Ways of supporting and better protecting council officers attaching an on-the-spot notification to vehicles found infringing parking rules are an important focus requiring further legislative advocacy within Government by Revenue NSW.

SSROC has made several recommendations for consideration. Given the risks that implementing these changes pose, it is recommended that the regulatory and legislative arrangements are reviewed after 1 year of operation to ensure that council parking officers and rangers can do their job in safety and the arrangements are working efficiently and effectively for local councils and their rate payers.

In order to make this submission within the prescribed timeframe, it has not been possible for it to be reviewed by councils or to be endorsed by a formal meeting of SSROC Delegates. I will contact you further if any issues arise as it is reviewed. If you have any queries, please do not hesitate to contact me or Mark Nutting, SSROC Strategic Planning Manager on 8396 3800, or [ssroc@ssroc.nsw.gov.au](mailto:ssroc@ssroc.nsw.gov.au).

Yours faithfully



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