

2.1.10 Infringement Debt Management

Type:	Corporate Services – Financial Management
Legislation:	Local Government Act 1995
Delegation:	
Other Related Document:	Parking Infringement Appeals Policy 2.1.9

Objective

The objective of this policy is to outline the process for collection of infringements, the referral process to the Fines Enforcement Registry, and the process to write off debt for unpaid infringements.

Policy Scope

This Policy applies to all infringements issued by the Town of East Fremantle under delegated State Government legislation and the Town’s Local Laws. Council is committed to ensure that enforcement is carried out in the public interest and is transparent, fair, efficient and consistent.

Policy

Infringement Notice Process

Infringement notice is issued - 28 days to pay.

Weekly registration submission to the Department of Transport (obtaining ownership details).

Issuance of a Reminder Notice – 28 days to pay.

Issuance of a Final Notice - 28 days to pay.

Appeals must be lodged within the 28-day period being the due date on the original infringement notice. The due date will not be amended irrespective of the appeal being received. If the appeal is received after the 28-day period, it will not be considered.

Unpaid Infringement Notices will be forwarded to the Fines Enforcement Registry (FER) to recover the outstanding infringement following the non-payment of a Final Notice.

The Senior Ranger is to review and authorise those infringements being referred to FER.

Fines Enforcement Registry (FER)

Amounts that remain outstanding past the prescribed due date of the Final Notice will be referred to the Fines Enforcement Registry resulting in additional fees and charges.

The debt will remain active with the Fines Enforcement Registry for a period of eight (8) years until paid or recommended for write-off by them (quarterly reports), after which it will be written off under delegated authority.

Infringements written off are to be withdrawn from FER via the eCourts portal.

Interstate/ International Drivers & Infringements with no Ownership detail

Where ownership details are unable to be obtained from the Department of Transport and the reasoning is confirmed as an interstate registration, the infringement status will be updated to reflect ‘Interstate Rego’.

Infringements where ownership detail is unable to be obtained (unregistered vehicles or illegal plates, etc) are to have a status reflecting 'Action Deferred'.

Those Infringements with a status of 'Interstate Rego' or 'Action Deferred' remaining unpaid for a year may be withdrawn by delegated authority.

Management Reporting

The monthly financial report to council is to include the balance of Infringements receivable.

Infringements written off in the preceding financial year by the Chief Executive Officer under delegation will be referred to Council for information advising the amount written off and reasoning.

Financial Hardship

1. Financial hardship is not a ground for review.
2. Where a person is experiencing financial hardship and is unable to pay their outstanding infringement, the Town may assist the applicant, where applicable, to negotiate a payment plan.
3. To be eligible for a payment plan, the infringement must not have been referred to the Fines Enforcement Registry.
4. If the payment plan is requested after the fine has been registered with FER, the applicant will be able to enter into an arrangement with FER directly.
5. The payment plan must not include more than 4 payments and be paid in full within 90 days of the date of Final Notice.

Each payment arrangement requires the approval of the Revenue Officer under delegation of the Executive Manager Corporate Services in accordance with Delegation DA14 – Rates and Services Charges Agreements.

Roles and Responsibilities

- Ranger Services shall be responsible for the issuance of Infringement Notices under Delegation Authority DA21.
- The Revenue Officer shall be responsible for the recovery of the Infringements.
- The Executive Manager Corporate Services shall be responsible for referring matters to Council in regards to this Policy.
- The Manager Finance shall be responsible for the review and monitoring of the operations of this Policy.
- The Corporate Service Team shall be responsible for the day-to-day operations of this policy.

Responsible Directorate:	Corporate Services
Reviewing Officer:	Manager Administration and Finance
Decision making Authority:	Council
Policy Adopted:	18/9/18
Policy Amended/Reviewed:	20/8/19, 17/9/19, 19/7/22
Former Policy No:	4.4.3