



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

JACS QTon No. 6

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
Mr Peter Cain MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair),
Mr Andrew Braddock MLA

Inquiry into Penalties for minor offences and vulnerable people
ANSWER TO QUESTION TAKEN ON NOTICE
21 June 2023

Asked by MR CAIN on 21 JUNE 2023: ACT POLICING took on notice the following question:

[Ref: Hansard Uncorrected Proof Transcript 21 June 2023 page 29]

In relation to: Magistrates Court Infringement Notices Amendment Act 2020 impact on TINs and PINs

MR CAIN: Yes, thank you. Look, the pending Magistrates Court Infringement Notices Amendment Act 2020 due to commence in February next year, what is the impact of that on the administration of TINs and PINs, particularly with defaulters?

ACT POLICING: The answer to the Member's question is as follows:–

ACT Policing's understanding is that the *Magistrates Court (Infringement Notices) Amendment Act 2020*, will not impact the administration of Traffic Infringement Notices (TINs) and Parking Infringement Notices (PINs). Hardship options are already available for traffic and parking penalties including waivers, payment plans, and approved community work or social development in lieu of payment.

Of relevance to ACT Policing, the introduction of the *Magistrates Court Infringement Notices Amendment Act 2020* will only impact the processing and management of Criminal Infringement Notices (CINs) by providing additional hardship options consistent with TINs and PINs for notices that are issued for offences in accordance with the *Magistrates Court Act 1930*.

ACT Policing will continue to issue TINs and PINs as circumstances require.

Although ACT Policing issues CINs, PINs, TINs and Simple Cannabis Offence Notices (SCONs), Access Canberra is responsible for the management of the payment PINs and TINS, including non-payments, and assessment and oversight of hardship applications. ACT Policing is currently responsible for the management of the payment, and non-payment, of CINs and SCONs.

In March 2022 the Legislative Assembly passed a resolution calling on the ACT Government to report on prosecution of minor offences following non-payment of administrative penalties. The ACT Government Response tabled on 21 September 2022 (the Response) noted the following points, which remain current:

ACT Policing notes that the vast majority of administrative penalties are for parking and traffic offences. There are detailed formal guidelines in place under the *Road Transport (General) Act*

OFFICIAL

1999 for considering hardship in enforcement of parking and traffic penalties. Options for dealing with parking and traffic penalties include waiver, payment plans, and entering into an approved community work or social development program.

It was also noted in ACT Government's response that a relatively low number of administrative penalties are issued annually for miscellaneous offences under the *Magistrates Court Act 1930*.

It is uncommon for matters to be referred for prosecution following non-payment of administrative penalties. Where they do occur, these prosecutions are not for non-payment of fines - they are prosecutions for the conduct in respect of which an administrative penalty was issued.

ACT Policing is supportive any proposal for ACT's infringement notice schemes to address hardship, while also ensuring effective evidence based enforcement measures are implemented to deter the prospect of reoffending.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 29.06.2023

EXECUTIVE GENERAL MANAGER - CORPORATE, ACT POLICING, PETER HOWELL