Introduction

This procedure is to be followed where there has been a determination made to prosecute an unlawful activity using a Penalty Infringement Notice (PIN) in accordance with Council’s Compliance and Enforcement Policy and Guidelines.

Much of the legislation that Council administers provides for the ability of appropriately delegated officers to issue Penalty Infringement Notices for certain offences. PIN’s are generally most appropriate for immediate and straightforward offences or breaches, to uphold the objectives of relevant legislation and to act as a deterrent against further similar offences.

This procedure has been developed to ensure that Council manages the PIN process and enforcement action in a consistent, transparent, accountable and unbiased manner.

Background

To ensure this transparency Council has negotiated a Service Level Agreement with the NSW State Debt Recovery Office (SDRO). This agreement provides Council with the Premium Service for manually issued PIN’s. A copy of the Service Level Agreement with the SDRO can be located in TRIM.

The agreement provides for any representations made with respect a PIN issued by an authorised Council Officer to be made direct to the SDRO. Initial decisions to waive PIN’s are made by the SDRO not Council though the SDRO may consult Council prior to making a determination.

Council’s Ranger team manage all PIN handbooks for all Council operations in a secure fashion in accordance with government storage and reporting requirements. If staff propose to issue a PIN then one of the Rangers Team PIN handbooks is to be utilised. The Rangers will assist staff in the completion of the PIN and will be involved in the peer review of the completed PIN prior to service.

In accordance with the Service level Agreement Council’s Ranger Team is responsible for the payment of all the administrative charges associated with the issue of all PINs.

Process

1. All PIN’s are accountable documents and the Environmental Services (Rangers) Section is responsible for the management of all Council PIN’s.
2. All evidence and statement from all parties associated with the alleged offence are to be collated by the responsible officer and recorded in TRIM.
3. The PIN is to be completed by the responsible officer (but only with the approval of the Manager) assisted as required by a Council Ranger. Note that the Rangers Team hold the only copies of PIN Handbooks.
4. The completed PIN is peer reviewed by the Rangers team prior to service of the PIN (particularly with respect the Part A component of the PIN).
5. The method of PIN service is to be recorded in TRIM.
6. The PIN Part A component is to be forwarded to the SDRO by the responsible officer within 3 business days of the service of the PIN. The PIN Part B component is to be retained securely by the Environmental Services Rangers Team.

7. Payments made with respect a PIN shall be made only to the SDRO. Any payments received or part payments received by Council shall be forwarded to the SDRO.

8. Where a PIN has been elected to be heard in Court the SDRO will initiate proceedings in the Local Court on Council’s behalf. The SDRO will also have the Police Prosecutor seek leave to appear for Council at the first listing date.

9. After the first listing for non-motor vehicles offences Council and the responsible officer will have full responsibility for the prosecution including any appeals or reviews.

10. If for whatever reason, and only with the approval of the Manager, Council requires the SDRO to withdraw proceedings then the request must be in writing and received by the SDRO at least 10 business days prior to the listed date. Decisions involving the withdrawal of any PIN will be based on consultation between the responsible officer and their supervisor. The SDRO will arrange the withdrawal of proceedings and advise all parties.