

National Human Rights Consultation Submission

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Submission Text:

Currently in Australia there is a Federal Bill which was passed in 2002 that relates to Parking Fines and the certain pieces of information which should be on a fine deemed as essential in protecting the rights of the individual, ensuring that "innocent until proven guilty" is honored and also to not subject individuals to poverty through the issuing of fines.

The Transport Act lists specific details which need to be on a parking fine and also guides that in the case of a fine being issued without trial be administered for 2 main purposes; to free the courts from unnecessary and less criminal hearings and to allow the easy collection of a fee for the individual to have a small matter disposed of without incurring a criminal record. The guidelines were specific, that the ticket must allow for an individual to state their case if the grounds of the fine are not correct or erroneous before having to appear in court, for the fines to be 1/5th of what a court may order for the offence, that an individual who has a fine may write for paying of instalments or have the fine review based on financial hardship. The guidelines also state that these must be clearly marked on the ticket where and how to do this and to allow 28 days before further enforcement occurs. The intention of the introduction for fines was to make the matter go away, and not turn it into a purely revenue generating exercise. It is stated also that the offences and the fines for each offence are to be publicly displayed and be easily accessible by the public.

Particularly in NSW the current issuing of tickets defies the guidelines and does not honour the Human Rights outlined to be protected by the details being printed on the ticket. Instead what has occurred is a gross exaggeration of the original approval of the fines. For example, a fine for parking too close to a yellow line in Balmain Sydney attracts a \$175, and the court has ordered a fee of \$100 for the same offence. This clearly does not follow the guidelines of cost nor does it allow an individual to have an communication channel to have the matter handled outside of appearing in court.

By stipulating on the ticket ONLY-pay or go to court, immediately attracts: Financial hardship, Stress, the prospect of having to organise a day off of work to attend court to defend innocence or appeal for financial hardship. By forcing an individual into the situation of taking a day off work (which may cause either loss of pay of \$200, or risking upsetting an employer) in order to be relieved of any further costs, or harassment from the issuing body, an individual has 2 options, pay the fine or ignore it.

NSW as the example here of issuing non compliant tickets (according to the Bill and the Transport Act) are extorting money out of individuals and innocent individuals without any avenues made available for being challenged on the integrity of the tickets themselves and the issuing body.

I have drawn attention to this by writing to the Transport Minister of NSW, the attorney General of NSW and the President of the Local Councils of NSW with no response.

May I also point out, that if the fines themselves were following the original guidelines, I believe that people would pay the fines with far less stress, trouble and dispute, the revenue would come in faster, the administration would be less and there would be greater money circulating in the community to spend on other essentials.

The blatant exploitation of human rights in this example needs to be thoroughly investigated and also the nonsensical mentality that exists behind the issuing of tickets- rather than gently enforcing civil compliance and raising money, it costs society by having to implement the SDRO and also manage the level of violence and attack on issuing officers and the general stress and pain created-it is a very real occurrence and it is because, for an individual on a low income, a parking fine in the Sydney area, is life threatening when rent and the cost of living is as high as it is.

I have available the researched material to assist in the further discussion of this issue and also the emails sent to the Minister of Transport for NSW and the AG as mentioned above.