

**INQUIRY INTO PEDESTRIAN SAFETY
(MINISTERIAL REFERENCE)**

Name: The Hon Barbara Perry MP
Position: Minister for Local Government
Telephone: (02) 9228 4820
Date Received: 1/07/2009

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THE HON. BARBARA PERRY MP

Minister for Local Government
Minister Assisting the Minister for Health (Mental Health)



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Mr Geoff Corrigan MP
Chair
Staysafe Committee
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

29 JUN 2009

Dear Mr Corrigan

I am writing in reply to your letter of 13 May 2009 (your reference STC 497) requesting submissions to the Parliamentary Joint Standing Committee on Road Safety (Staysafe) Inquiry into Pedestrian Safety, which was recently announced by the Minister for Roads, the Hon Michael Daley MP.

I am pleased to support this Inquiry. I have reviewed the Terms of Reference as requested and believe they are sufficiently broad to address the issues requiring attention. However, I provide the following comments by way of information.

Local councils play an important role in managing pedestrian safety, primarily through the exercise of their parking enforcement functions under the Road Transport (Safety and Traffic Management) Regulation 1999 and the Road Rules 2008, which are administered by Minister Daley. This legislation includes numerous offences relating to pedestrian safety, including those pertaining to parking on footpaths and parking in no stopping zones.

I am aware of concerns raised by some stakeholders about the application of these powers by some council law enforcement officers, particularly with regard to alleged inappropriate issuing of cautions instead of penalty notices. While I acknowledge these concerns may be valid in some circumstances, the Government has put in place a number of initiatives to address them.

As you would be aware, amendments to the *Fines Act 1996* commenced in December 2008 providing powers for authorised officers who issue penalty notices to issue official cautions in appropriate circumstances. In doing so, officers must have regard to relevant guidelines currently under development by the Attorney General's Department. Alternatively, relevant agencies may develop their own guidelines, provided they are consistent with those issued by the Attorney General.

Officers from the Department of Local Government are assisting in the development of the Attorney General's guidelines. Among other things, issues

relating to the impact of offences on public safety will be given due consideration.

Additionally, both the Department and I have encouraged councils to implement policies and procedures to manage their parking enforcement responsibilities in a manner that achieves an appropriate balance between public safety, traffic flow and equitable access to available parking spaces.

In January 2009, I wrote to the General Managers of all NSW councils requesting that they remind their authorised officers of their responsibility to understand and enforce the parking enforcement provisions of the Road Rules. In particular, I encouraged councils to focus their efforts on patrolling school zones on school days to enhance road safety and the safety of children walking to school.

I look forward to being informed about the Inquiry's findings and recommendations.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Barbara Perry', with a long horizontal stroke extending to the right.

Barbara Perry MP
Minister