



## 2.1.9 Parking Infringement Appeals

<b>Type:</b>	Corporate Services – Financial Management
<b>Legislation:</b>	
<b>Delegation:</b>	DA62 Withdrawal, Amendment & Collection of Infringement Notices
<b>Other Related Document:</b>	Town of East Fremantle Parking Local Law 2016

### Objective

The objectives of this policy are to provide:

1. a consistent approach to the review of parking infringement notices issued under Town of East Fremantle Parking Local Law 2016; and,
2. a clear framework for assessing parking infringement notice appeals.

### Policy Scope

This policy relates to all parking infringements issued within the Town of East Fremantle.

### Policy

The following general principles will be considered when determining the outcome of appeals against parking infringement notices:

- Were the elements of the offence met?
- Was the customer unable to comply with the relevant provisions of the law for a reason or due to a significant circumstance that was out of their control?

All parking infringement appeals must be received within 28 days of the issue of the infringement notice and will be assessed on their individual merit.

Methods for lodging an appeal are as follows:

1. All appeals must be in writing
2. Appeals can be submitted via:
  - (a) email to [admin@eastfremantle.wa.gov.au](mailto:admin@eastfremantle.wa.gov.au)
  - (b) completing the hard copy appeals form available in person, from Customer Service
  - (c) using the online form via the Town of East Fremantle website.

Officers will apply a 15 minute leniency prior to issuing a parking infringement notice for exceeding a time limit.

In exceptional circumstances or in circumstances of repetitive offences by the same person, it may be appropriate for officers to make a decision that varies from the position outlined in this policy.

The following tables outline the circumstances under which parking infringement notices that are subject to an appeal will, may be or will not be withdrawn:

*Table 1. Circumstances under which an infringement **will** be withdrawn*

<b>Circumstances</b>	<b>Evidence required</b>
Vehicle breakdown due to mechanical fault.	<ul style="list-style-type: none"> <li>• Statutory declaration outlining the nature of the breakdown, why the vehicle couldn't be moved and how the vehicle was moved; or</li> <li>• Receipts from a vehicle towing company; or</li> <li>• Receipts from a reputable mechanic.</li> </ul>
Medical Emergency.	<ul style="list-style-type: none"> <li>• Doctor's certificate; or</li> <li>• Correspondence from St John Ambulance, a hospital, medical surgery, doctor; or</li> <li>• Statutory declaration.</li> </ul>
Infringement issued in error or to the wrong person.	<ul style="list-style-type: none"> <li>• Evidence demonstrating the error such as; a valid ticket (and appropriately displayed), or photograph, or correctly parked vehicle; or</li> <li>• Proof that the vehicle did not belong to the nominated driver/owner at the time the infringement was issued;</li> <li>• Registration papers; or</li> <li>• Statutory declaration.</li> </ul>
Town of East Fremantle ticket machine, pay by phone software (if available) or equipment fault.	Evidence demonstrating the Town of East Fremantle ticket machine, pay by phone software, or equipment was faulty; e.g. photograph or screenshot.
Person is not the driver at the time of the offence.	Correctly filled out nomination form submitted within 28 days of the infringement date.
Directed by a Town Officer or Law Enforcement Officer to park contrary to signs and/ limitations.	<ul style="list-style-type: none"> <li>• Statutory declaration outlining the nature of the direction, why the vehicle couldn't be moved; and</li> <li>• Evidence from the Law Enforcement Officer indicating the nature of the direction.</li> </ul>

*Table 2. Circumstances under which an infringement **may** be withdrawn*

<b>Circumstances</b>	<b>Evidence required</b>
A valid ticket was purchased (Failure to display a valid parking ticket)	<ul style="list-style-type: none"> <li>• A copy of the valid ticket that relates to the parking infringement notice under appeal, including correct vehicle registration details; or</li> <li>• Extract from bank statement confirming payment details.</li> </ul>
Compassionate grounds; including but not limited to family bereavement, genuine financial hardship and diagnosed mental illness.	Evidence specific to the matter at hand, which may include, but not be limited to, a Statutory declaration, Centrelink documentation, Health care card, Doctors certificate, letter from a hospital/surgery/doctor.

The signage in the area was missing, obscured or damaged to the point where it could not be read.	Photographic evidence of missing, obscured or damaged sign at the time of the offence.
Infringement issued to a person parked in a designated ACROD bay but did not display a valid ACROD permit.	Proof of valid ACROD permit.

Table 3. Circumstances under which an infringement **will not** be withdrawn:

Circumstances
• Exceeding a time limit.
• Forgot to purchase and display a valid parking ticket.
• Lack of available parking bays.
• Arranging payment or getting change.
• Appointment or a meeting ran over time.
• Transportation services were late.
• Had to make or take an important phone call.
• Did not see or did not understand the parking restrictions.
• Did not see or did not understand how to use a ticket machine.
• Where a vehicle is parked in a dangerous or obstructive location that has the potential to cause nuisance, injury or damage.
• Where an unauthorised vehicle is parked in a designated ACROD parking bay.

<b>Responsible Directorate:</b>	Corporate Services
<b>Reviewing Officer:</b>	Executive Manager Corporate Services
<b>Decision making Authority:</b>	Council
<b>Policy Adopted:</b>	19/06/18
<b>Policy Amended/Reviewed:</b>	16/10/18, 20/08/19, 17/9/19
<b>Former Policy No:</b>	4.2.7