



# Council Policy

## Parking Infringement Appeals



# Parking Infringement Appeals

## Policy scope

The objectives of this policy are to provide:

1. A consistent approach to the review of parking infringements issued under City of Fremantle Parking Local Law; and,
2. A clear framework for assessing parking infringement appeals.

## Policy statement

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

- 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 will be assessed in accordance with this policy and on their individual merit.

Officers will apply a 10-minute leniency prior to issuing a parking infringement notice for exceeding a time limit.

### Driver nominations

Nominations can only be accepted by the registered owner of the vehicle, or, if the vehicle is registered in a company name, by a representative of that company.

Nominations must be submitted in the prescribed format within 28 days of receiving the first reminder notice from the City.

The following table outlines the circumstances under which parking infringements may be withdrawn. Any other circumstance not listed will not be considered.

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 Circumstances under which an infringement **may** be withdrawn

Circumstance	Evidence required
Vehicle breakdown due to mechanical fault	Statutory declaration outlining the nature of the breakdown, why the vehicle couldn't be moved and how the vehicle was moved.
Medical emergency	<ul style="list-style-type: none"> <li>Doctors certificate; or</li> <li>Correspondence from a hospital/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 or photograph of correctly parked vehicle; or</li> <li>Proof that the vehicle did not belong to the nominated driver or owner at the time the infringement was issued by way of providing vehicle ownership papers.</li> <li>Statutory declaration</li> </ul>
City of Fremantle ticket machine, pay by phone software or equipment fault	<ul style="list-style-type: none"> <li>Instructions to report a fault were followed; eg evidence of phone call or reference number from technical services</li> <li>Evidence demonstrating the City of Fremantle ticket machine, pay by phone software or equipment was faulty; eg. photograph or screenshot</li> </ul>
First infringement issued to a City of Fremantle resident or business owner	<ul style="list-style-type: none"> <li>Proof of residency or business ownership within the City boundaries</li> <li>Proof of valid driver's licence</li> </ul>
Infringement issued to a person with a valid ACROD permit	<ul style="list-style-type: none"> <li>Proof of ACROD permit</li> <li>Proof of valid driver's licence</li> </ul>
A valid ticket, e-permit or parking session was purchased	<ul style="list-style-type: none"> <li>A copy of the valid ticket, e-permit or parking session that relates to the parking infringement notice under appeal</li> </ul>
Compassionate grounds; including family bereavement, genuine financial hardship and diagnosed serious illness relevant to the location where the infringement was issued	<ul style="list-style-type: none"> <li>Evidence specific to the infringement which may include a Statutory declaration, Centrelink documentation, Health care card, Doctors certificate, letter from a hospital/surgery/doctor</li> </ul>
The signage in the area was missing, obscured or damaged to the point where it could not be read	<ul style="list-style-type: none"> <li>Photographic evidence of missing, obscured or damaged sign at the time of the offence</li> </ul>

## Definitions and abbreviations

Nil

Responsibility and review information	
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