

4.16 Parking Infringement Appeals

Objective

The objectives of this policy are to provide:

1. A consistent approach to the review of parking infringements issued under the *Shire of East Pilbara 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 ten (10)-minute leniency prior to issuing a parking infringement notice for exceeding a time limit.

Driver Nominations

Nominations can only be accepted from 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 Shire.

Circumstances under which parking infringements may be withdrawn

The following table outlines the circumstances under which parking infringements may be withdrawn.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

Circumstance	Evidence Required
Vehicle breakdown due to mechanical fault.	<ul style="list-style-type: none"> • Statutory Declaration outlining the nature of the breakdown, why the vehicle could not be moved and how the vehicle was moved.
Medical emergency.	<ul style="list-style-type: none"> • Doctors certificate; or • Correspondence from a hospital/surgery/doctor; or • Statutory Declaration.
Infringement issued in error or to the wrong person.	<ul style="list-style-type: none"> • Evidence demonstrating the error such as a valid ticket or photograph of correctly parked vehicle; or • 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. • Statutory Declaration.

Shire of East Pilbara ticket machine, pay by phone or online software or equipment fault.	<ul style="list-style-type: none"> • Instructions to report a fault were followed; e.g. evidence of phone call or reference number from technical services. • Evidence demonstrating the Shire ticket machine, pay by phone or online software or equipment was faulty; e.g. photograph or screenshot.
Infringement issued to a person with a valid ACROD permit.	<ul style="list-style-type: none"> • Proof of ACROD permit • Copy of valid driver's licence.
A valid ticket, e-permit or parking session was purchased.	<ul style="list-style-type: none"> • A copy of the valid ticket, e-permit or parking session that relates to the parking infringement notice under appeal.
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"> • Evidence specific to the infringement which may include a Statutory Declaration, Centrelink documentation, 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.	<ul style="list-style-type: none"> • Photographic evidence of missing, obscured or damaged sign at the time of the offence.
Delayed flight.	<ul style="list-style-type: none"> • Evidence from airline showing actual arrival time at Newman Airport.

Authorisation Details

References:	<i>Shire of East Pilbara Local Law</i>		
Authorised by:	Council		
Date:	24 March 2023	Item No.	11.4.3
Review/Amendment Date		Item No.	
Review/Amendment Date		Item No.	
Next Review	Four yearly		
Responsible Directorate	Community Services		
Responsible Officer	Manager Community Safety		
File No.			