

<b>LAW0403</b> <b>PARKING INFRINGEMENT APPEALS POLICY</b>
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**Policy Title:** Parking Infringement Appeals Policy  
**Policy Number:** LAW0403  
**Prepared By:** Emily Leek, Administration Officer- Ranger Services  
**Authorisation:**

**Purpose:**

This policy (“Policy”) establishes the requirements of the Town of Claremont (“the Town”) and its employees in the duties that are to be conducted by officers in dealing with appeals relating to parking infringements issued within the Municipality. The Town envisages that all appeals will be recorded, reviewed and responded to within five working days of the Town receiving the appropriate documentation from the owner, driver or person in charge of the vehicle at the alleged time of the offence.

**Policy Statement:**

Parking within the Town is limited. The Town therefore has a responsibility to ensure that all visitors and residents have equal access to parking when going about their business.

Parking within the Town, both on the street and within parking stations has been designed to provide for the varying needs of the public. Thus, the Town has parking bays for:

- Short term parking;
- Long terms use;
- Those with disabilities who display a valid ACROD permit;
- Motorcyclists;
- Buses;
- Taxis;
- Commercial use and delivery vehicles supplying local businesses.

These parking areas are also subject to time and other restrictions to ensure sufficient access by all.

Signage within the Town has been erected to advise motorists of the parking space or stations intended use and any restrictions that may apply. Signage is based upon Australian Standards and it is the driver’s responsibility to read the sign take note of it and comply with the requirements.

Should a driver fail to comply with the signage, park incorrectly or illegally, the Town will enforce its *Parking and Parking Facilities Local Laws*. This may mean that an infringement notice is issued, the driver is cautioned or the matter will be taken to the Court of Petty Sessions.

Nobody likes to get a parking infringement notice, but without parking control many of Claremont’s facilities would be denied to the public.

**Procedure For Parking Infringement Appeals**

The following procedure will be adopted by the Town when recording, reviewing and

responding to written parking infringement appeals:

- The appellant must formally write to the Chief Executive Officer of the Town requesting a review of the parking infringement and the reason for the review being requested;
- The appeal will be received by the Town and recorded as incoming mail by the Town's Records Department;
- All appeal documentation will be forwarded to Ranger Services to be recorded as an appeal on its parking infringement software, EnforceIt. The infringement will be placed 'on appeal' and thus on hold for the duration of the appeal process until notification of the outcome is sent to the appellant;
- The Issuing Officer is to produce all evidence relating to the infringement and make a recommendation based upon this evidence and the circumstances outlined by the appellant as to whether their original decision should stand or be waived;
- The Senior Ranger is to review all documentation relating to the infringement and make a recommendation on the infringement. This recommendation does not have to be the same as that of the Issuing Officer. Both parties are within their rights to have contradicting views;
- The infringement, all evidence and the recommendation from the Issuing Officer and the Senior Ranger are to be forwarded to the Executive Manager of Regulatory Services who has the final decision on whether the infringement will stand or be waived. The Executive Manager can override both recommendations by the Senior Ranger and the Issuing Officer if he / she sees fit;
- The outcome of the Executive Manager's decision is to be recorded by Ranger Services and the appellant is to be informed formally in writing as to the outcome of their appeal. This is to be forwarded to the contact address the appellant has listed on their documentation; and
- If the infringement is withdrawn, EnforceIt will record that no further action is to be taken by the Town in relation to the matter, but if the appeal is unsuccessful, the infringement will continue through the automatic recovery process until all outstanding monies including additional fees and charges are received by the Town.

The appeals process is intended to:

- Allow infringed individuals the opportunity to express their point of view in relation to the infringement and any exceptional circumstances they may have encountered resulting in the infringement being issued (eg: the vehicle had broken down or a medical emergency occurred).
- Discourage further acts against the Town's *Parking and Parking Facilities Local Laws* as amended, by the same and other potential offenders;
- Creating a perception in the wider community that the Town is willing to listen to its ratepayers and the general public in relation to their grievances; and / or
- Create a fair and consistent approach between cases, yet still allow each individual circumstance to be reviewed on its own merits.

## **Second Appeals**

Appellants are entitled to a second review of the appeal decision if they are not satisfied with the outcome they have received. This will occur only after a fee of \$15.00 has been received by the Town as the situation has already been reviewed to the satisfaction of the Town's Officers and its procedures and policies. This \$15.00 fee can be waived by the Executive Manager of Regulatory Services or the Chief Executive Officer or the person acting in his / her position if they see fit. Alternatively, the matter can be forwarded to the Ombudsman or the Magistrates Court of Western Australia for a final determination.

## **Instances Where Appeals May Be Considered**

Some of the circumstances to which an infringement notice may be withdrawn include:

- The vehicle broke down – a copy of documents to prove this was the case are required;
- A medical emergency occurred – a doctor's certificate or notice will be required by the Town;
- The vehicle was stolen or unlawfully used – a copy of the police report will be required as evidence;
- The driver was detained by the Police and thus could not move the vehicle – a copy of the police report will be required as evidence.

## **Instances Where Appeals May Not Be Considered**

Some of the circumstances to which an infringement may not be withdrawn include:

- A doctor's appointment went overtime;
- The hairdresser took longer than expected;
- The job interview was delayed;
- Appellant lost track of the time;
- A meeting with a client or business operator went longer than expected;
- The restaurant was slow in catering;
- The sign was not seen by the driver – it is the drivers responsibility to look for signage that applies to their vehicle;
- The sign was too confusing or could not be understood – signage within the Town is based upon Australian Standards;
- The driver did not realise that the parking restriction applied;
- The permit was left in another car or in the house – if there is no valid permit, the vehicle needs to be parked elsewhere;
- Incorrect thought that the vehicle could park there;
- The permit had fallen or slipped down out of sight – it is the responsibility of the driver to ensure that the permit is displayed clearly before leaving the vehicle;
- The vehicle was only there for a few minutes;
- The driver could not find a parking bay so they parked anywhere they could find – vehicles can only be parked in designated parking areas.

## **Recommendations By Officers**

If the issuing officer was only under a casual contract for the duration of a special event (eg: The Big Day Out or the Royal Show), no recommendation will be recorded by the issuing officer. If the Senior Ranger or Issuing Officer are absent from duties for a period of time that would cause the response to the appeal to be unnecessarily prolonged, no comment will be recorded by the absent party. In the instance of the Executive Manager of Regulatory Services being absent from his / her position, the acting Executive Manager of Regulatory Services will make the final recommendation on his / her behalf.

If the appropriate details such as the infringement number are not provided, the Town will contact the party regarding the required details; however, the infringement will not start the appeals process or be placed on hold until the appropriate details have been received.

## **Policy Responsibility:**

Directorate:           Regulatory Services  
Person:                 Ranger Services

**Delegated Authority:**

Executive Manager of Regulatory Services & Executive Manager of Corporate and Community Services

**Policy Date Review:**