

Parking restrictions ensure safe and fair use of our parking areas by all the community. As a result, the onus is on every driver to ensure all relevant signage is read and adhered to prior to leaving the vehicle and that their vehicle is moved within the designated parking time limit allowing for delays to ensure that their vehicle is legally parked at all times.

For the Whitehorse City Council Infringement Review Panel to consider a review of your fine, Council requires verifiable documentation that supports your appeal. This is in line with the expectations set by the Victorian Auditor-General and is requested of all applicants.

To ensure a timely response to your application, please read this form carefully prior to submitting an appeal.

Circumstances THAT WILL BE CONSIDERED by the Infringement Review Panel if you choose to appeal a fine:

In line with the *Infringements Act 2006*, a review of an infringement notice may be requested if you believe one or more of the following occurred:

1. Contrary to Law

The infringement notice was issued **contrary to law** (you believe you did not commit an offence).

2. Exceptional Circumstances

Verifiable and unforeseen circumstances outside of your control could excuse the parking for which the infringement notice was issued. Verifiable independent documentation is required for Council to consider the withdrawal of an infringement notice on the grounds of exceptional circumstances. Exceptional Circumstances include:

a) Medical Emergency

A medical emergency is an unforeseen injury or illness posing an immediate risk to a person's life or long-term health. If you experienced a Medical Emergency, you must provide a letter from the hospital or treating Medical Practitioner confirming the emergency on the day.

b) Vehicle Breakdown

If you experienced a mechanical breakdown at the time, you need to provide an invoice or receipt for mechanical or roadside assistance or towing.

3. Incorrect Person or Vehicle

The infringement notice was issued to the **incorrect person or vehicle**. For example, you were not the driver of the vehicle at the time the infringement was issued; or you were not in the location at the time the infringement was issued. If you were not driving the vehicle at the time the infringement was issued, you may **nominate/identify** the driver by filling out the form named **Driver Nomination Form** listed under www.whitehorse.vic.gov.au/Forms-Parking.html. This Nomination Statement must be completed by the owner of the vehicle.

4. Special Circumstances

In relation to infringements, **special circumstances** are considered to be circumstances which result in a person being unable to either understand or control the conduct that led to the offence including:

- A mental or intellectual disability, disorder, disease or illness; or
- A serious addiction to drugs, or alcohol or a volatile substance, or homelessness

You must supply a medical certificate or verified documentation from your Social Worker/Counsellor.

5. Parking Permits and Parking Meter Tickets

If an infringement was issued and a **valid parking permit** was not displayed or was incorrectly displayed (i.e. residential parking permit, disabled parking permit, construction worker's parking permit or trader parking

permit) you must provide a reason and a copy of the valid permit. Note: A letter from the holder of the permit confirming your entitlement to use the permit at the time of the fine/infringement must also be included (if relevant). Otherwise, a copy of the valid parking meter ticket must be provided.

Circumstances **NOT CONSIDERED** as grounds for a successful appeal by the Infringement Review Panel:

- Being unaware of the Road Rules (all licensed drivers are expected to be aware and comply with the Road Rules at all times)
- Being a resident, ratepayer or local employee or business owner
- Moving your vehicle within the same zone but not leaving the zone at the end of the time permitted
- Re-feeding a ticket machine – as well as paying the parking fee, you must comply with the time limit
- Not having change to put in the ticket machine
- Left vehicle to get coins to put in the ticket machine
- Put money in the wrong ticket machine
- Being new to the area and unfamiliar with the restrictions, regardless of whether the driver is from Victoria, Interstate or Overseas
- Poor visibility due to weather conditions
- Appointments or meetings running overtime or late
- Not noticing or misreading a parking sign
- Being unable to read a parking sign
- Reading only part of a multi-panel sign
- Not noticing that a sign or restriction has been changed
- Being unaware of which vehicles can use Loading Zones or Permit Zones
- Residents with a parking permit that have parked in the incorrect permit zone
- Parking in a permit zone without a permit
- Displaying an expired or invalid parking permit
- Running out of petrol, or experiencing vehicle issues that did not require repair or towing
- Parking within 10 metres of an intersection
- Stopping for a short time in a prohibited area, for example, stopping in a 'no stopping' area even if it is just to pick up or drop off passengers or goods
- Having an excellent driving or parking record
- Finding nowhere else to park
- Believing that it is unconstitutional for a Council to issue an infringement/fine
- Being on a restricted income or having insufficient funds to pay the infringement/fine. A payment arrangement is available in these cases
- Believing that because the parking meter was broken there are no restrictions, in the event of a faulty meter, you need to report the fault and only remain in the parking space for the time limit shown on the signs

How is an internal review conducted?

When Council undertakes a review, the following is considered:

- Information collected by the issuing officer
- Circumstances outlined in your request for internal review
- Supporting documentation provided with your request
- Requirements under the relevant legislation (for example, the *Road Safety Road Rules 2009* and the *Infringements Act 2006*)

IMPORTANT – Please Read Carefully:

- An application for appealing a parking infringement must be submitted in writing within 28 days of the infringement date and the decision of Whitehorse City Council’s Infringement Appeals Panel will be returned to you by mail (or email if requested) **within 90 days** of the appeal.
- Council staff members are not permitted to enter into a discussion on the merits of the alleged offence or the success of a review.
- Only **one** appeal will be considered for each infringement.
- If you are dissatisfied with the Infringement Review Panel’s decision you may elect to have the matter referred to the Magistrate’s Court for determination.
- For further information, please refer to:
<http://www.whitehorse.vic.gov.au/Parking-FinesInfringements.html>

To Proceed with the Appeal Process:

1. Complete the Infringement Details **(Part A)**.
2. Turn over the page to provide details to Appeal or request a Payment Arrangement **(Part B)**.
3. Attach appropriate supporting documentation and sign both pages of the application *(If applicable)*.
4. Send the completed form **(Parts A & B)** with copies of supporting documentation either by:

Mail: Community Laws
Whitehorse City Council
Locked Bag 2
NUNAWADING DELIVERY CENTRE 3131

Or

Email: customer.service@whitehorse.vic.gov.au
Scan the completed form and all relevant documentation

Application Type (Tick 1 box only):

- Infringement Appeal **(Parts A & B)** Court Appearance **(Part A Only)** Payment Arrangement **(Parts A & B)**

PART A - Infringement Details (*Mandatory information – Print Clearly):

*Infringement Number: _____ *Date of Alleged Offence: _____

*Location of Alleged Offence: _____

* Name: Driver / Owner of Vehicle: _____

*Postal Address: _____

_____ *Phone/Mobile: _____

*Vehicle Registration Number: _____ *Email: _____

*Signature: _____ *Date: _____

