

Parking Infringement Appeal Policy

Date first adopted:	April 2003
Dates amended:	May 2022
Next review date:	May 2026
Position title of responsible business unit Manager:	Manager Community Safety and Compliance
Approved by:	Council
Internal external or both:	Both

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1. TITLE

Parking Infringement Appeal Policy.

2. OBJECTIVES

The objectives of this Policy are to provide consistent, fair and transparent criteria for reviewing parking infringement notices under the Victorian *Infringements Act 2006* (the Act).

3. BACKGROUND

In accordance with the Act, Council has a legislative obligation to ensure it has a fair, equitable and transparent infringement processing system in place when an 'application for internal review' is received in relation to Parking Infringement Notices.

4. SCOPE

An Instrument of Appointment and Authorisation issued under section 224 of the *Local Government Act 1989* and appoints an Officer to be an Authorised Officer duly authorised to serve or cause to be served parking infringement notices pursuant to section 87(1A) and section 87(1B)(c) of the *Road Safety Act 1986*.

The recipient of the parking infringement notice has the right to lodge an 'application for internal review' of the decision to serve the infringement notice. This policy applies to the infringement processing system in relation to parking infringement notices.

5. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Authorised Officer	means a person appointed as an authorised officer under section 224 of the <i>Local Government Act 1989</i>
Council	means Glen Eira City Council.
municipality	means the district under the local government of Council.
Policy	means the issuing of parking infringement notices
infringement notice	means a notice in respect of an infringement offence served or to be serviced in accordance with Part 2 of the <i>Infringements Act 2006</i> .
penalty reminder notice	means a notice served under section 29 the <i>Infringements Act 2006</i> .
Official Warning	means a warning in respect of an infringement offence served in accordance with Part 2 of the <i>Infringements Act 2006</i> .

6. POLICY

The exercise of cautioning and withdrawal of parking infringement notices shall be done in accordance with the *Infringements Act 2006*.

If the applicant believes the decision to issue the parking infringement notice was contrary to law, involved a mistake of identity, special circumstances or the conduct in which the infringement notice was served should be excused having regard to any exceptional circumstances relating to the infringement notice, they can lodge an 'application for internal review.'

In accordance with section 22 of the *Infringements Act 2006* an 'application for internal review' adhere to the following requirements:

- must be in writing
- must state the grounds on which the decision should be reviewed
- must provide the applicants current address for service of the notice of the outcome of the decision
- may only be made once in relation to any one infringement offence in respect of the applicant.

Upon receipt of the application, Council's Appeal Officer will review the decision to serve the parking infringement notice in accordance with Council's Internal Review Guidelines.

7. APPLICATION FOR INTERNAL REVIEW PROCESS

Once an 'application for internal review' is received, Council must do the following in accordance with the Act:

- conduct a review
- suspend any proceedings until the review is complete
- send the applicant the outcome of the review
- ensure the review is conducted by a person who was not part of the decision to issue the infringement notice
- Upon receipt of the application, review the application within 90 days

Council has the following options available in terms of the outcome of the 'application for internal review':

- confirm the decision to serve an infringement notice
- withdraw the infringement notice and serve an official warning in place of the infringement notice
- withdraw the infringement notice
- withdraw the infringement notice and refer the matter to the Court.
- in the case of an infringement offence involving additional steps, alter or vary those steps provided the alteration or variation is consistent with the Act or other instrument establishing the offence
- waive all or any penalty reminder notice fees
- approve a payment plan

8. HUMAN RIGHTS CHARTER COMPATIBILITY

This Policy has been assessed as compatible with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

9. ASSOCIATED INTERNAL DOCUMENTS

- *Glen Eira Council Community Safety Plan 2018-2022*
- *Council's Internal Review Guidelines*

10. EXTERNAL REFERENCES/RESOURCES

- *Local Government Act 2020*
- *Road Safety Act 1986*
- *Road Safety Road Rules 2017 (Vic)*
- *Information Protection Agreement – VicRoads (Department of Transport)*
- *Regulation 5 of the Road Safety (Traffic Management) Regulations 2019*