

FACT FILE

Parking Infringements

OVERVIEW

Parking rules exist to ensure the safe and fair use of Victoria's roads for the benefit of everyone. Many people park illegally for their own convenience; however, this may be inconveniencing others or putting them in danger. The purpose of this fact file is to outline your options and the process once you have received an infringement.

WHY ARE PARKING INFRINGEMENTS ISSUED?

Safety

Parking illegally presents road safety issues, which put the safety of the driver, passengers, other vehicles on the road and pedestrians at risk. This includes offences such as parking illegally in the following areas:

- No Stopping Anytime
- On a nature strip
- Opposite double white lines
- Opposite a yellow line on the edge of the road
- Within an intersection
- and for double parking.

An offence is committed if you stop your car, even if you are only letting someone out of the car, and regardless of whether you leave the engine running and stay in the vehicle.

School Environments

The primary objective of enforcing the parking rules in the vicinity of schools is to protect the safety of children. Most schools encounter some traffic congestion at 'drop-off' and 'pick-up' times as it is just not possible for every parent to be able to park directly outside the school. The Shire's parking officers regularly attend schools to enforce the parking regulations. The schools are regularly given advice about parking concerns and are asked to forward the information to parents. Infringements issued to parents in the vicinity of schools are posted to the registered owner to avoid any possibility of a conflict situation between the officer and parents.

To Share Limited Resources

Certain bays are established for use by only certain vehicles, for example, Disabled Parking Bays, Bus Zones, Taxi Zones, Loading Zones, Boat with Trailer attached etc. These various zones have been established to help promote orderly traffic around high demand areas, such as in commercial districts and beachside townships. Time limits have also been set in various locations throughout the Shire to ensure that as many motorists as possible get a chance to use the desirable facility.

LEGISLATION

- The Road Rules – Victoria <http://www.vicroads.vic.gov>
- Road Safety Road Rules 2009
- Infringement Act 2006

THE PROCESS FROM HERE

Pay the infringement notice (on the spot fine) within 28 days.

There are a number of ways you can pay an infringement.

- By sending either a cheque or money order to the Mornington Peninsula Shire at Private Bag 1000 Rosebud, 3939
- By cash at one of our Customer Service Offices, Besgrove Street Rosebud, Queen Street Mornington, Marine Parade Hastings or Edwards Street Somerville
- Via internet payment on the Shire website www.mornpen.vic.gov.au.

For further payment options you can telephone the Shire on 1300 850 600.

Request an extension of time to pay (Payment Plan)

If you require further time to pay the infringement notice you may telephone the Shire on: 1300 850 600 and request an extension. One month may be given to pay.

Appeal the infringement notice.

You may appeal the infringement notice. This must be in writing. An appeal should be lodged in writing within 28 days of the original infringement notice being issued, if you are concerned your appeal will not be lodged in time, please ring for an extension.

An appeal should include the following information and must be in writing:

- Your name and address
- The infringement notice number
- The reason for the appeal
- Any supporting evidence

How is an appeal decided?

An appeal is decided on four main grounds:

- Did the offence occur?
- Were the circumstances that led to the offence beyond the control of the driver (exceptional circumstances)?
- Has the infringement been issued to the correct person? If not then the registered owner must nominate the driver responsible using a Statutory Declaration Form.
- Is the driver claiming 'special circumstances' as defined in the Infringement Act: A person with mental or intellectual disability, disorder, disease or illness or a serious addiction to drugs or alcohol which results in the person being unable to understand the offending conduct or unable to control the conduct.

Note: If you claim special circumstances in regard to a parking infringement the Shire may be obliged to advise Vic Roads who may review your drivers licence.

An appeal generally takes two weeks to process and you will receive a reply in writing. If you disagree with the Shire's decision you may elect to have the matter heard at the Magistrates Court.

THE ENFORCEMENT PROCESS

What happens if your appeal is unsuccessful?

- You have the option of either paying the infringement notice or electing to have the matter heard by a Magistrate. This request should be in writing and forwarded to the Shire.

What happens if you don't pay or respond within 28 days.

- After 28 days you will be sent a reminder, called a Penalty Reminder Letter, and further costs of **\$25.80** will be incurred.
- You have three options:
 1. Pay within another 28 days.
 2. Further appeal the notice.
 3. Choose to have the matter heard in the Magistrates Court, by completing the form on the rear of the Penalty Reminder Letter and sending it to the Shire.

Enforcement order

- If you don't respond to the Penalty Reminder Letter in 28 days, the infringement notice will be sent to the Infringement Court section of the Magistrates Court. The Infringement Court will issue an Enforcement Order and further costs of **\$77.20** will be incurred. You will receive paperwork from the Court setting out your options. This is a Court Order and should be treated seriously.
- You can appeal the Enforcement Order by contacting the Infringement Court. If you do so and you are successful your infringement notice will be referred to the Magistrates Court for a hearing date.
- You also have various payment options.

Sheriffs Warrant

- If you ignore the Enforcement Order a Warrant will be issued authorising the Sheriff to demand payment.