

## **Parking Infringement Appeals**

You have the right to request a review of your infringement notice. Appeals must be lodged in writing with proof to back up your claim, within 28 days of the infringement being issued (as per date on infringement notice).

It is advisable not to contact Facilities in the first instance as your appeal will not be put on hold which may cause additional fees to be added to the infringement costs.

The appeal is only put on hold once it is received in writing by the BKI's Institute Security email: [institutesecurity@kangan.edu.au](mailto:institutesecurity@kangan.edu.au).

### **On what grounds can I appeal a parking infringement?**

Section 22 of the [Infringements Act 2006](#) (Vic) provides four specific grounds for review, they are:

- Contrary to law or involved a mistake of identity;
- Special circumstances;
- Exceptional circumstances
- Persons unaware

#### **Contrary to law**

Contrary to law applies when you believe no parking offence took place or the infringement is unlawful.

You will need to provide details about why you believe the decision to issue the infringement notice is unlawful.

Some examples of this are; receiving a notice for parking in a loading zone on a Saturday when the zone rules apply Monday to Friday; when you have parked in a permit zone with no permit showing in your vehicle, even though you may have been issued one or when the details on the infringement notice are incorrect.

#### **Mistake of identity**

Mistake of identity applies when you were not the driver and did not commit the offence.

You should set out the reason why you say there was a mistake of identity and identify the name and address of the person who you say you were mistaken for and the relationship of that person to you.

#### **Special circumstances**

Special circumstances mean persons with; a mental or intellectual disability, disorder, disease or illness, a serious addiction to drugs, alcohol or a volatile substance; homeless or family violence.

You must include official letters of support or other documentation from treatment providers such as medical practitioners, social workers or drug and alcohol counsellors

The *Family Violence Scheme* has been introduced by Fines Victoria to support people affected by family violence within the infringement system.

For further information please visit [www.fines.vic.gov.au/fvs](http://www.fines.vic.gov.au/fvs) or call Fines Victoria on 1300 019 983.

### Exceptional circumstances

Exceptional circumstances include unforeseeable or unpreventable circumstances where the offender was not able to prevent the offence from occurring. This would include a genuine (including medical) emergency or mechanical breakdown.

You need to provide supporting evidence (e.g. doctors or ambulance report, mechanics report).

Exceptional circumstances do not include, being held up at the doctors or running late for a meeting or class.

### Person unaware (that the infringement notice was issued to you)

There are circumstances where a person is unaware of the original infringement notice having been served.

You must make application within 14 days of becoming aware of the Infringement notice. You must supply a Statutory Declaration confirming the reasons for appeal and confirm the date you became aware of the infringement notice. Supply any supporting evidence.

This does not apply if you were unaware that it is an offence to park in the manner that you did.

### What are my options if my appeal is denied?

Under the [Infringements Act 2006](#) you can only request one review for each infringement.

If your appeal is denied, you have two further options available:

1. Pay the infringement; or
2. Elect to have the matter heard at the Magistrates' Court.

### What is not considered a valid reason for withdrawing a parking infringement notice?

Although each appeal received is considered on its own merits, below are common scenarios that would **not** be considered a valid reason to have an infringement withdrawn:

- Not reading or misreading parking signs
- Permit or ticket fell off the dashboard
- Driving a different vehicle and forgetting to change the permit over
- Owning but not displaying a permit
- Permit was in the vehicle but not on the dashboard
- Not familiar with an area or not knowing the [Road Safety Road Rules](#);
- Overstaying the time limit in an area or zone
- Delayed at an appointment, meeting, lecture or exam (including medical)
- Stopping illegally to pick up / drop off passengers or goods (including vehicles in a Loading Zone that are not permitted)
- Stopping illegally to make / take a phone call or check Melway / GPS
- Running out of petrol
- Sitting in the car with the engine running
- Driver or passenger needed to use the toilet