



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2019-273

| Information to be published | Status |
|---|-----------|
| 1. Access application | Published |
| 2. Decision notice | Published |
| 3. Documents and schedule | Published |
| 4. Additional information identified | No |
| 5. Fees | N/A |
| 6. Processing time (in working days) | 11 |
| 7. Decision made by Ombudsman | N/A |
| 8. Additional information identified by Ombudsman | N/A |
| 9. Decision made by ACAT | N/A |
| 10. Additional information identified by ACAT | N/A |

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Request for Policy and Procedure Documents in Relation to Review of Parking Infringements
Date: Tuesday, 3 December 2019 12:35:54 PM

Hello

I would like to request copies of any policy, guideline or procedure document that relates to the review of an issued parking infringement.

Kind regards

[REDACTED]



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2019-273

[REDACTED]
via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 3 December 2019, in which you sought access to documents relating to the review of an issued parking infringement.

Specifically, you are seeking:

"I would like to request copies of any policy, guideline or procedure document that relates to the review of an issued parking infringement."

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 3 January 2019.

Decision on access

Searches were completed for relevant documents and five documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents. Two documents are publicly available on the Legislation Register at [DI2019-211](#) and also [DI2019-212](#).

I have decided to grant full access to all relevant documents. The documents released to you are provided as **Attachment B** to this letter.

Charges

Processing charges are not applicable for this request because the total number of pages to be released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after three days after the date of my decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 02 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely



Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

18 December 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

| NAME | WHAT ARE THE PARAMETERS OF THE REQUEST | Reference NO. |
|------|---|--------------------|
| | Copies of any policy, guideline or procedure document that relates to the review of an issued parking infringement. | CMTEDDFOI 2019-273 |

| Ref No | Page number | Description | Date | Status | Reason for Exemption | Online Release Status |
|-------------------------|-------------|--|--------------|--------------|----------------------|-----------------------|
| 1 | 1-13 | Road Transport (General) Withdrawal of infringement Notices Guidelines 2019 (No 1) – Disallowable instrument DI2019-211 | 18 Sept 2019 | Full Release | N/A | Yes |
| 2 | 14-26 | Road Transport (General) Waiver of Infringement Notice Penalties Guidelines 2019 (No 1) – Disallowable instrument DI2019-212 | 18 Sept 2019 | Full Release | N/A | Yes |
| 3 | 27-31 | Parking Withdrawal Reasons specific procedures | Nil | Full Release | N/A | Yes |
| 4 | 32-34 | Parking Withdrawal Reasons specific procedures for Calvary Hospital | Nil | Full Release | N/A | Yes |
| 5 | 35 | Good Record Information Sheet | Nil | Full Release | N/A | Yes |
| Total No of Docs | | | | | | |
| 5 | | | | | | |

Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019 (No 1)*

Disallowable instrument DI2019–211

made under the

Road Transport (General) Act 1999, section 38 (1) (Infringement notice—guidelines for withdrawal)

1 Name of instrument

This instrument is the *Road Transport (General) Withdrawal of Infringement Notices Guidelines 2019 (No 1)*.

2 Commencement

This instrument commences on 28 October 2019.

3 Guidelines

I issue the guidelines for the withdrawal of infringement notices contained at schedule 1 to this instrument.

4 Definitions

Administering authority, for an infringement notice offence, means the entity that, under section 8 of the *Road Transport (Offences) Regulation 2005*, is the administering authority for the offence.

Note: Section 8 (1) (a) of the *Road Transport (Offences) Regulation 2005* provides that a road transport authority (the Director-General of the Environment, Planning and Sustainable Development Directorate and the Director-General of the Justice and Community Safety Directorate) is the administering authority for the purposes of certain offences contained in part 12 of the *Road Transport (Road Rules) Regulation 2017*, where those offences are infringement notice offences under part 1.12A of schedule 1 of the *Road Transport (Offences) Regulation 2005*. This does not extend to those specific sections of part 12 of the *Road Transport (Road Rules) Regulation 2017* listed in section 8 (1) (a) of the *Road Transport (Offences) Regulation 2005* in relation to which the Chief Police Officer is the relevant administering authority under section 8 (2) of the *Road Transport (Offences) Regulation 2005*.

Section 8 (1) (b) of the *Road Transport (Offences) Regulation 2005* provides that the road transport authority (the Director-General of the Environment,

*Name amended under Legislation Act, s 60

Planning and Sustainable Development Directorate) is the administering authority for the purposes of certain offences contained in division 7.3 of the *Road Transport (Safety and Traffic Management) Regulation 2017*, where those offences are infringement notice offences under part 1.13 of schedule 1 of the *Road Transport (Offences) Regulation 2005*. This does not extend to offences in the *Road Transport (Safety and Traffic Management) Regulation 2017* (which are not contained in division 7.3) in relation to which the Chief Police Officer is the relevant administering authority under section 8 (2) of the *Road Transport (Offences) Regulation 2005*.

Section 8 (1) (c) of the *Road Transport (Offences) Regulation 2005* provides that a road transport authority (the Director-General of the Justice and Community Safety Directorate) is the administering authority for the purposes of certain offences contained in the *Road Transport (Public Passenger Services) Act 2001* and the *Road Transport (Public Passenger Services) Regulation 2002*, where those offences are infringement notice offences under parts 1.10 and 1.11 of schedule 1 of the *Road Transport (Offences) Regulation 2005*.

Which Director-General is the road transport authority is determined by section 16 (3) of the *Road Transport (General) Act 1999* read in conjunction with the *Administrative Arrangements 2019 (No 1)*.

Section 8 (2) of the *Road Transport (Offences) Regulation 2005* provides that the Chief Police Officer is the administering authority for infringement notice offences that are not described in section 8 (1) of the *Road Transport (Offences) Regulation 2005*.

Camera-detected offence means an offence detected by an approved camera detection device or an approved average speed detection system

Infringement notice – see the *Legislation Act 2001* and section 24 (6) of the *Road Transport (General) Act 1999*

Infringement notice management plan – see section 31A of the *Road Transport (General) Act 1999*

Infringement notice offence means an offence mentioned in schedule 1 of the *Road Transport (Offences) Regulation 2005* for which an infringement penalty is provided in column 5 of the item applying to the offence

Infringement notice penalty, for a person for an infringement notice offence, means-

(a) the amount prescribed in column 5 of schedule 1 of the *Road Transport (Offences) Regulation 2005* as the penalty payable by the person for the offence under an infringement notice for the offence; or

(b) if a reminder notice has also been served on the person for the offence – the total of the amount mentioned in paragraph (a) and the amount prescribed by regulation as the amount payable by the person for the cost of serving the reminder notice

Parking offence means an offence that relates to the parking of a motor vehicle

Relevant circumstances – see section 21A of the *Road Transport (General) Act 1999*

Reminder notice – see section 27 (2) of the *Road Transport (General) Act 1999*

Road transport legislation - see section 6 of the *Road transport (General) Act 1999*

5 Revocation

This instrument revokes the *Road Transport (General) Withdrawal of Infringement Notices Guidelines 2018 (No 1)* DI2018-70.

Shane Rattenbury MLA
Minister for Justice, Consumer Affairs and Road Safety
18 September 2019

SCHEDULE 1

WITHDRAWAL OF INFRINGEMENT NOTICE GUIDELINES

OVERVIEW OF INFRINGEMENT NOTICE SCHEME

The infringement notice scheme for road transport offences in the ACT is established by Part 3 of the *Road Transport (General) Act 1999* and the *Road Transport (Offences) Regulation 2005*. Part 3 applies to all road transport infringement notice offences, for example, speeding, parking and conduct on public passenger services.

The pathways open to a person who receives an infringement notice in the ACT are:

- Pay the infringement notice directly.
- Seek to enter into an infringement notice management plan (payment by instalment or participation in an approved community work or social development program) or seek to add the infringement notice to an existing infringement notice management plan.
- Seek withdrawal or waiver. Internal review can then be sought of a decision by the administering authority not to withdraw or waive an infringement notice. Following internal review an application can be made to the ACT Civil and Administrative Tribunal (ACAT).
- Dispute liability. The matter will then be determined in the Magistrates Court.

Entering into an infringement notice management plan, adding a penalty to a plan or obtaining withdrawal or waiver of a penalty has the same effect as if the person had paid the penalty outright. The effect is that the person is no longer liable for the offence, must not be prosecuted for the offence and is not taken to have been convicted of the offence.

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METHODS OF WITHDRAWAL FOR INFRINGEMENT NOTICES

There are two methods by which an infringement notice can be withdrawn:

1. An application for withdrawal is received by the administering authority.
2. The administering authority decides to withdraw the infringement notice.

An application for withdrawal of an infringement notice must be made in accordance with section 34 of the *Road Transport (General) Act 1999*. Applications must be in writing and state the grounds relied on for the infringement notice to be withdrawn. An application can be made online.

Applications can be made by either:

- The person served with the infringement notice.
- A representative of the person served with the infringement notice.
- A guardian (parent, kinship parent or carer of the person served with the infringement notice).

An administering authority can withdraw an infringement notice under section 36 of the *Road Transport (General) Act 1999* whether or not:

1. the person has applied for withdrawal under section 34 of the *Road Transport (General) Act 1999*;
2. the infringement notice has been paid in full or in part; or
3. the person is disputing liability for the offence.

GROUND FOR WITHDRAWAL OF INFRINGEMENT NOTICES

Withdrawal of an infringement notice has the effect that the offence never happened, that is, all penalties associated with the offence (financial and demerit points) do not apply.

In determining whether to withdraw an infringement notice, the administering authority may take into account:

- the circumstances in which the infringement notice was issued, including the level of risk posed by the applicant's behaviour to other road users or public passengers;
- the seriousness of the offence; and
- the extent to which the applicant was aware, or ought reasonably to have been aware, that the conduct constituting the offence was contrary to law.

Certain offences are generally considered to be unsuitable for withdrawal due to the level of risk they pose and the seriousness of the offence. These offences are outlined in Attachment A to this schedule.

Disagreeing with a law, or finding it inconvenient, to adhere to it are not grounds for having an infringement notice withdrawn.

Administrative or technical reasons

An infringement notice may be withdrawn for administrative or technical reasons where those reasons are outside the control of the applicant and contributed either wholly or materially to the circumstance in which the applicant was issued with an infringement notice.

For example:

- A machine, device, instrument, sign, signal or other thing (whether used or installed by, or under, authority of the road transport legislation) was missing, defective or malfunctioning, and the absence, defect or malfunction contributed to the circumstance in which the applicant was issued with an infringement notice.
- A permit, licence, authority or other document issued or granted by the road transport authority contained an error that did not arise from information supplied by, or actions done by, the applicant or a person acting on the applicant's behalf, and this error contributed to the circumstance in which the applicant was issued with an infringement notice.
- Administrative error in the content of the infringement notice, for example, the infringement notice contains an error of the following type:
 - Information concerning the registrable or rail vehicle or animal involved is incorrect.
 - Information concerning the driver, responsible person or accredited operator is incorrect.
 - Information concerning the personal details of the person served is incorrect.
 - The description for the offence is incorrect or there is some technical error in describing the offence.
 - Information concerning the date, time and or location of the infringement notice is incorrect.
 - Incorrect infringement notice penalty stated.
 - Incorrect identifying particulars of the authorised person.
- Administrative error in the issuing of the infringement notice.
- The responsible person is a business or company and such business or company has been de-registered or is in liquidation.

When an infringement notice is found to contain an administrative error and is withdrawn, the administering authority must consider whether further enforcement action for the particular offence is appropriate, for example, re-issue the infringement notice with amended details where the time in which to issue an infringement notice has not elapsed.

Insufficient evidence

Where the administering authority considers that there is insufficient evidence to establish the commission of the offence and/or the involvement of the applicant in the offence, the administering authority should withdraw the infringement notice.

Where the infringement notice offence involves a vehicle and the administering authority is satisfied that the applicant has taken all reasonable steps to assist the administering authority to identify and locate the individual who was in possession or control of the vehicle at the time of the offence, the administering authority should withdraw the infringement notice.

Defence or exemption applies

Where the administering authority forms the view that evidence is available that meets or would meet the applicable evidentiary standard to establish that another defence or exemption applies, the infringement notice should be withdrawn.

For example:

- The applicant is able to provide evidence that they had sold or transferred the vehicle ownership prior to the date of the offence.
- The applicant is able to provide evidence that the vehicle or plates were stolen at the time of the offence.
- Unregistered or uninsured vehicle - applicant is able to produce evidence of registration and insurance or that the vehicle falls within the grace period.

Exceptional circumstances

An applicant can seek withdrawal on the grounds of exceptional circumstances. Where an applicant seeks withdrawal on this basis, the application must be accompanied by a statement detailing the exceptional circumstances and attach supporting evidence of the event.

When deciding whether to withdraw an infringement notice on these grounds, the administering authority must consider the specific circumstances and alternative options available to the applicant, the risks posed to other road users and any other relevant circumstances.

Examples of exceptional circumstances are:

- Emergency situation or similar event as opposed to a diagnosed condition or late for an appointment.
- Unexpected trauma to them as driver, a passenger in the vehicle or other road user.
- Unforeseen or unpreventable circumstance for example a medical emergency.

- Penalty is received for not displaying L or P plates and these fell off during the journey or the plates were stolen and the applicant was not in a position to obtain replacement plates at the time of the offence.

Where the grounds for withdrawal relate to an emergency medical situation or event, supporting evidence required includes a statement from a registered health practitioner, hospital records, police report or similar report.

Child

Infringement notice offences can only be issued to children 14 years or older. Children aged 10 years but under 14 years of age are required to appear before a court and the prosecution must prove that the child knew that their behaviour was wrong.

While infringement notices can be issued to persons from the age of 14 years old, the first option is always to educate children about appropriate behaviour, through informal interaction or by issuing a caution.

In determining an application for withdrawal of an infringement notice issued to a child, the administering authority must give consideration to:

- The family circumstances and whether any other grounds for withdrawal would apply.
- Action taken to address the behaviour by the child's parent, guardian or carer.

Deceased or moved overseas permanently

Where the person served with the infringement notice offence is now deceased or has moved overseas permanently, the administering authority must withdraw the infringement notice on receipt of:

- a death certificate, fact of death notification or funeral notice; or
- a statement stating details of permanent move overseas with supporting evidence, for example, confirmation of address overseas, evidence of employment or study overseas.

Prior good driving record

In considering whether to withdraw an infringement notice based on an applicant's prior good driving record, the administering authority must take into account:

- the circumstances in which the infringement notice was issued, including the level of risk posed by the applicant's behaviour to other members of the community;
- the seriousness of the offence; and
- the extent to which the applicant was aware, or ought reasonably to have been aware, that the conduct constituting the offence was contrary to law.

A **good driving record** is no offence committed under the road transport legislation, excluding parking offences (or a corresponding law of another jurisdiction) in the previous five year period.

Prior good behaviour

In considering whether to withdraw an infringement notice based on an applicant's prior good behaviour, the administering authority must take into account:

- the circumstances in which the infringement notice was issued, including the level of risk posed by the applicant's behaviour to other road users;
- the seriousness of the offence; and
- the extent to which the applicant was aware, or ought reasonably to have been aware, that the conduct constituting the offence was contrary to law.

This ground is only available for infringement notices issued under the road transport legislation that do not involve a registrable motor vehicle, for example, traveling on a light rail vehicle without a valid ticket.

A **prior good behaviour** record is the applicant has in the previous 5 year period been generally of good behaviour, for example, no infringement notices issued under the road transport legislation, no warnings issued in relation to offences under the road transport legislation and no infringement notices issued in relation to offences that do not involve a registrable motor vehicle.

ADDITIONAL GROUNDS FOR WITHDRAWAL THAT APPLY TO PARKING OFFENCES

The administering authority must withdraw an infringement notice for a parking offence in the following circumstances:

- The applicant provides a statement or evidence detailing the type of parking permit or parking ticket, that was held, and the steps the person took to display it correctly and the administering authority is satisfied that the person took reasonable steps to display the parking permit or parking ticket correctly.
- The applicant is able to provide evidence of having paid for their parking either by producing the ticket or a receipt from an authorised smart phone application.
- The applicant is able to provide evidence that the ticket machine or meter was faulty and the administering authority is satisfied that the person took reasonable steps to use other means to obtain a parking ticket.
- The applicant is able to provide evidence that their parking permit had recently expired and a new parking permit had been issued before the infringement notice was issued or the applicant had applied for or paid for their new parking permit but have yet to receive it.
- The applicant is able to provide evidence that the signage that applied to the area was changed after they parked.

- The applicant was unable to return to the vehicle before the timed parking expired due to an unexpected medical emergency (for example, unexpected trauma or treatment during an appointment or visiting someone in hospital and their condition worsened or death was imminent and it was not reasonable to leave at that time) and the administering authority is satisfied that the person would have otherwise taken reasonable steps to ensure they complied with the parking signage.
- The applicant is able to provide evidence that they were:
 - directed to park their vehicle by an emergency services worker, or
 - arrested by Police and could not move their vehicle; or
 - assisting Police as a witness and overstayed the time limit.
- The vehicle had broken down or otherwise became immobilised and the applicant has provided satisfactory evidence to the administering authority for example, a statement explaining the circumstances of the vehicle breakdown or immobilisation or other evidence, such as a receipt or statement, from a roadside assistance service, towing service or similar body to confirm that the vehicle was broken down or immobilised at the relevant time in that location.

A parking permit includes a business parking permit, commuter parking permit, loading zone permit, resident parking permit, resident's visitor parking permit, special event parking permit, mobility parking scheme authority (see *Road Transport (Safety and Traffic Management) Regulation 2017, Road Transport (Safety and Traffic Management) Parking Permit Declaration*).

ADDITIONAL GROUNDS FOR WITHDRAWAL THAT APPLY TO PUBLIC PASSENGER TICKETING AND CONDUCT OFFENCES

The administering authority must withdraw an infringement notice for public passenger ticketing or conduct offences in the following circumstances:

- The applicant provides a statement detailing the type of ticket or concession that was held.
- The applicant is able to provide evidence of having paid for their ticket either by producing the ticket or a receipt from an authorised application or machine.
- The applicant is able to provide evidence that the ticket machine was faulty and the administering authority is satisfied that the person took reasonable steps to use other means to obtain a ticket.
- The applicant is able to provide evidence that they were eating or drinking for medical reasons.
- The applicant is able to provide evidence that the animal was a guide-dog, other animal assisting a person with disability or was being trained to assist a person with disability.
- The applicant is able to provide evidence that they were within the 90 minute transfer window.

NOTIFICATION OF DECISION

The administering authority must give written notice to an applicant of their decision in respect to their application in accordance with section 35 of the *Road Transport (General) Act 1999*.

A decision to withdraw (a withdrawal notice) must:

- include the infringement notice number and the date of the offence and if known, the date the infringement notice was served; and
- tell the person that the infringement notice is withdrawn and, in general terms, about the effect of the withdrawal notice.

A decision not to withdraw must provide the applicant with reasons why their application has been refused.

When notifying an applicant of the decision to refuse an application for withdrawal of an infringement notice, the administering authority must inform the applicant of the ability to apply for waiver (section 31G (3) of the *Road Transport (General) Act 1999*) or enter into an infringement notice management plan.

Waiver can only be considered at the same time as an application for withdrawal if sufficient evidence has been provided to the administering authority to enable it to determine whether the application satisfies the grounds for waiver (see the Guidelines issued for waiver of infringement notice penalties). A waiver can only be granted for the financial component and any demerit points or other penalties associated with the offence will still apply.

Attachment A

Offences that are generally considered unsuitable for withdrawal

- non-school zone speeding offences where the speed limit has been exceeded by greater than 15km/h
- school zone speeding offences where the speed limit has been exceeded by any margin
- driving while using mobile device
- driver seat belt offences where no medical exemption exists
- any red light offence, including entering the marked foot crossing (please note, not a pedestrian crossing) after the red light has illuminated
- heavy vehicle speed limiter offences
- drive or ride a vehicle on road or road-related area while consuming alcohol
- driver trainer in motor vehicle on road or road-related area while consuming alcohol
- driving unlicensed
- interlock related offences
- improper use of vehicle (for example, burnouts)
- negligent driving
- traffic offence evasion article offences
- use defective vehicle contrary to condition / prohibition
- public passenger safety offences
- parking contrary to, or without a mobility parking scheme authority
- stopping in or near an intersection, children's crossing or pedestrian crossing
- stopping contrary to a "no stopping" sign
- stopping in parking area for disabled
- offences relating to failure to use approved child restraints

Road Transport (General) Waiver of Infringement Notice Penalties Guidelines 2019 (No 1)*

Disallowable instrument DI2019–212

made under the

Road Transport (General) Act 1999, section 31I (Guidelines for waiver of penalty)

1 Name of instrument

This instrument is the *Road Transport (General) Waiver of Infringement Notice Penalties Guidelines 2019 (No 1)*.

2 Commencement

This instrument commences on 28 October 2019.

3 Guidelines

I issue the guidelines for the waiver of infringement notice penalties contained at schedule 1 to this instrument.

4 Definitions

Administering authority, for an infringement notice offence, means the entity that, under section 8 of the *Road Transport (Offences) Regulation 2005*, is the administering authority for the offence.

Note: Section 8 (1) (a) of the *Road Transport (Offences) Regulation 2005* provides that a road transport authority (the Director-General of the Environment, Planning and Sustainable Development Directorate and the Director-General of the Justice and Community Safety Directorate) is the administering authority for the purposes of certain offences contained in part 12 of the *Road Transport (Road Rules) Regulation 2017*, where those offences are infringement notice offences under part 1.12A of schedule 1 of the *Road Transport (Offences) Regulation 2005*. This does not extend to those specific sections of part 12 of the *Road Transport (Road Rules) Regulation 2017* listed in section 8 (1) (a) of the *Road Transport (Offences) Regulation 2005* in relation to which the Chief Police Officer is the relevant administering authority under section 8 (2) of the *Road Transport (Offences) Regulation 2005*.

Section 8 (1) (b) of the *Road Transport (Offences) Regulation 2005* provides that the road transport authority (the Director-General of the Environment, Planning and Sustainable Development Directorate) is the administering

*Name amended under Legislation Act, s 60

authority for the purposes of certain offences contained in division 7.3 of the *Road Transport (Safety and Traffic Management) Regulation 2017*, where those offences are infringement notice offences under part 1.13 of schedule 1 of the *Road Transport (Offences) Regulation 2005*. This does not extend to offences in the *Road Transport (Safety and Traffic Management) Regulation 2017* (which are not contained in division 7.3) in relation to which the Chief Police Officer is the relevant administering authority under section 8 (2) of the *Road Transport (Offences) Regulation 2005*.

Section 8 (1) (c) of the *Road Transport (Offences) Regulation 2005* provides that a road transport authority (the Director-General of the Justice and Community Safety Directorate) is the administering authority for the purposes of certain offences contained in the *Road Transport (Public Passenger Services) Act 2001* and the *Road Transport (Public Passenger Services) Regulation 2002*, where those offences are infringement notice offences under parts 1.10 and 1.11 of schedule 1 of the *Road Transport (Offences) Regulation 2005*.

Which Director-General is the road transport authority is determined by section 16 (3) of the *Road Transport (General) Act 1999* read in conjunction with the *Administrative Arrangements 2019 (No 1)*.

Section 8 (2) of the *Road Transport (Offences) Regulation 2005* provides that the Chief Police Officer is the administering authority for infringement notice offences that are not described in section 8 (1) of the *Road Transport (Offences) Regulation 2005*.

Camera-detected offence means an offence detected by an approved camera detection device or an approved average speed detection system

Infringement notice – see the *Legislation Act 2001* and section 24 (6) of the *Road Transport (General) Act 1999*

Infringement notice management plan – see section 31A of the *Road Transport (General) Act 1999*

Infringement notice offence means an offence mentioned in schedule 1 of the *Road Transport (Offences) Regulation 2005* for which an infringement penalty is provided in column 5 of the item applying to the offence

Infringement notice penalty, for a person for an infringement notice offence, means-

(a) the amount prescribed in column 5 of schedule 1 of the *Road Transport (Offences) Regulation 2005* as the penalty payable by the person for the offence under an infringement notice for the offence; or

(b) if a reminder notice has also been served on the person for the offence – the total of the amount mentioned in paragraph (a) and the amount prescribed by regulation as the amount payable by the person for the cost of serving the reminder notice

Parking offence means an offence that relates to the parking of a motor vehicle

Relevant circumstances – see section 21A of the *Road Transport (General) Act 1999*

Reminder notice – see section 27 (2) of the *Road Transport (General) Act 1999*

Road transport legislation - see section 6 of the *Road transport (General) Act 1999*

Shane Rattenbury MLA
Minister for Justice, Consumer Affairs and Road Safety
18 September 2019

SCHEDULE 1

WAIVER OF AN INFRINGEMENT NOTICE PENALTY

OVERVIEW OF INFRINGEMENT NOTICE SCHEME

The infringement notice scheme for road transport offences in the ACT is established by Part 3 of the *Road Transport (General) Act 1999* and the *Road Transport (Offences) Regulation 2005*. Part 3 applies to all road transport infringement notice offences, for example, speeding, parking and conduct on public passenger services.

The pathways open to a person who receives an infringement notice in the ACT are:

- Pay the infringement notice directly.
- Seek to enter into an infringement notice management plan (payment by instalment or participation in an approved community work or social development program) or seek to add the infringement notice to an existing infringement notice management plan.
- Seek withdrawal or waiver. Internal review can then be sought in respect to a decision by the administering authority not to withdraw or waive an infringement notice. Following internal review an application can be made to the ACT Civil and Administrative Tribunal (ACAT).
- Dispute liability. The matter will then be determined in the Magistrates Court.

Entering into an infringement notice management plan, adding a penalty to a plan or obtaining withdrawal or waiver of a penalty has the same effect as if the person had paid the penalty outright. The effect is that the person is no longer liable for the offence, must not be prosecuted for the offence and is not taken to have been convicted of the offence.

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METHODS FOR WAIVER OF INFRINGEMENT NOTICE PENALTIES

An application for waiver of an infringement notice must be made in accordance with section 31F of the *Road Transport (General) Act 1999*. Applications must be in writing and set out the person's financial circumstances and the person's relevant circumstances. There is no time limit in which an application for waiver can be made.

Applications can be made by either:

- The person served with the infringement notice.
- A representative of the person served with the infringement notice.
- A guardian (parent, kinship parent or carer of the person served with the infringement notice).

GROUNDS FOR WAIVER OF INFRINGEMENT NOTICE PENALTIES

The administering authority **must** waive an infringement notice monetary penalty when all of the following elements are satisfied:

- the applicant does not currently have, and is unlikely to have in the future, the financial ability to pay the infringement notice; and
- relevant circumstances exist in relation to the applicant; and
- enforcement action has not resulted in, or is unlikely to result in, the payment of the infringement notice (for example, previous sanctions did not result in payment); and
- the applicant is not a suitable person to discharge the infringement notice by completing an approved community work or social development program.

The administering authority has discretion to waive an infringement notice monetary penalty in circumstances where only some of the above elements are satisfied. Waiver ceases the administering authority's right to take action in relation to the infringement notice monetary penalty.

Financial Ability to Pay

An applicant is considered to not currently have, and is unlikely to have, the financial ability to pay the infringement notice monetary penalty and entering into an infringement notice management plan is unlikely to provide the financial ability. That is, they are unable to make the required minimum fortnightly instalment of \$10 (section 14EB of the *Road Transport (Offences) Regulation 2005*).

Evidence to support an application includes that the person is in receipt of a Centrelink benefit (statement from Centrelink), does not possess substantial assets, their household income per fortnight is not sufficient to meet the minimum instalment management plan payment (payslips, bank statements), the person has significant and unavoidable expenses, for example, large medical bills (invoices, Medicare

statements). Any amount a person is required to pay in child support (Child Support Agency statement) should be deducted from his or her pre-tax income.

Income includes but is not limited to, wages, pensions or benefits, allowances, interest on investment or other financial support (for example, support from a family member).

The Law and Justice Foundation undertook a survey in 2012 to assess the legal needs of Australia and found that sixty-seven (67) per cent of people with a disability aged 15 years or over are financially disadvantaged. Applying this to the ACT it means that around 41,500 people with a disability in the ACT are financially disadvantaged¹. Decision makers should factor this into decisions for waiver when the person has identified as someone with a disability and the evidence they require the person to provide to support their application.

Relevant circumstances

Relevant circumstances are defined in section 21A of the *Road Transport (General) Act 1999* and means any of the following circumstances that relate to the person and contribute to the person's ability to pay an infringement notice penalty:

1. mental illness and/or mental disorder
2. physical or intellectual disability, disease or illness
3. addiction to drugs, alcohol or another substance
4. family violence
5. homelessness, or living in crisis, transitional or supported accommodation.

Issuing and/or enforcing infringement notices in instances where these circumstances apply may not support the overall objective of the infringement notice scheme as a method of deterrence and preventing further offending.

Mental illness/es and/ or disorder/s

Mental illness means a condition that seriously impairs, either temporarily or permanently, the mental functioning of a person². Examples include schizophrenia, psychosis, bipolar disorder, and serious depression or anxiety and personality and other addictive conditions.

Evidence to support an application includes a letter or other documentation, describing the applicant's disability, illness or condition, from one of the following:

- The applicant's general practitioner, treating doctor, psychiatrist, registered psychologist or mental health nurse or other medical practitioner involved in

¹ *Towards Disability Justice for the ACT Summary of Research and Consultations, 2019*
https://www.communityservices.act.gov.au/disability_act/towards-disability-justice-in-the-act

² This is based on the definition of mental disorder (section 9) and mental illness (section 10) in the *Mental Health Act 2015*.

the healthcare of the applicant that the administering authority considers relevant.

- Centrelink, if the applicant is in receipt of a full or partial disability pension (e.g. a job capacity assessment or other report which describes the applicant's disability or impairment).
- The applicant's school teacher or principal, or an employee in the Education Directorate.
- A government agency or non-government organisation with experience working with people with mental illness, intellectual disability or cognitive impairments.
- A government agency or non-government organisation with professionals qualified to make mental health assessments.

The letter or documentation must not be older than 6 months from the date of the application and must provide sufficient information to explain the applicant's mental illness and/or disorder and its duration.

Physical or intellectual disability, disease or illness

A person has a disability where that disability:

- is attributable to an intellectual, psychiatric, sensory or physical impairment or a combination of those impairments, and
- is permanent or likely to be permanent, and
- results in a substantially reduced capacity of the person for communication, learning or mobility and the need for continuing support services, and
- may or may not be of a chronic episodic nature³.

When determining an application on these grounds, an administering authority must have regard to Schedule 1 of the *Disability Services Act 1991* (ACT) (Human rights principles to be furthered in relation to people with disabilities).

Evidence to support an application includes a letter or other documentation, describing the applicant's disability, disease or illness, from one of the following:

- The applicant's general practitioner, treating doctor, psychologist, speech pathologist or other medical practitioner involved in the healthcare of the applicant that the administering authority considers relevant.
- Centrelink, if the applicant is in receipt of a full or partial disability pension (e.g. a job capacity assessment or other report which described the applicant's disability or impairment).
- A government agency or non-government organisation with experience working with people with sensory, cognitive, physical or intellectual disabilities.

³ This definition is taken from the definition of disability in the *Disability Services Act 1991* (ACT).

The letter or documentation must not be older than 6 months from the date of the application and must provide sufficient information to explain the applicant's disability, disease or illness and its duration.

The administering authority should also consider whether written evidence is required, and the level of written evidence based on the person's circumstances.

The *Towards Disability Justice for the ACT Summary of Research and Consultations, 2019*⁴ noted that the heavy reliance on written material when assessing a person's needs or engaging with a person with a disability on legal matters, put them at a disadvantage.

Substance dependence (e.g. drugs, alcohol or other substance)

A person is considered to have a substance dependence if he or she has a pattern of substance use, as manifested by two (or more) of the following:

- Tolerance, as defined by either of the following:
 - a need for markedly increased amounts of the substance to achieve intoxication or the desired effect, or
 - markedly diminished effect with continued use of the same amount of the substance.
- Withdrawal, as manifested by either of the following:
 - the characteristic withdrawal syndrome for the substance, or
 - the same (or closely related) substance is taken to relieve or avoid withdrawal symptoms.
- The substance is often taken in larger amounts or over a longer period than intended.
- There is a persistent desire or unsuccessful efforts to cut down or control substance use.
- A great deal of time is spent in activities necessary to obtain the substance, use the substance, or recover from its effects.
- Important social, occupational, or recreational activities are given up or reduced because of substance use.
- The substance use is continued despite knowledge of having a persistent physical or psychological problem that is likely to have been caused or exacerbated by the substance (for example, current cocaine use despite recognition of cocaine-induced depression or continued drinking despite recognition that an ulcer was made worse by alcohol consumption).

Many people who attend alcohol or other drug treatment services also have co-occurring mental health disorders and poorer physical health.

⁴ https://www.communityservices.act.gov.au/disability_act/towards-disability-justice-in-the-act

The ACT Government through its Drug Strategy Action Plan is committed to increasing diversions from the criminal justice systems for people who are involved in or at risk of being involved in it as a result of them experiencing drug related issues.

Evidence to support an application includes a letter or other documentation from one of the following:

- the applicant's treating doctor, psychiatrist, registered psychologist, nurse working in the field of drug and alcohol addiction or social worker or other medical practitioner involved in the healthcare of the applicant that the administering authority considers relevant
- the applicant's drug and alcohol case worker or counsellor
- the applicant's youth service case worker or counsellor
- the applicant's residential (or outpatient) rehabilitation service provider
- a government or non-government organisation with expertise in working with people with serious addictions to alcohol or other drugs or substances.

The letter or documentation must not be older than 6 months from the date of the application and must provide sufficient information to explain the nature, severity and effects of the addiction and how long the applicant has had the addiction.

Family violence

Family violence is any of the following behaviours by a person against a family member⁵:

- physical violence or abuse
- sexual violence or abuse
- emotional or psychological abuse
- economic abuse
- threatening behaviour
- coercion
- any other behaviour that:
 - controls or dominates the family member and causes them to feel fear for their safety or the safety of another family member
 - causes a child to hear, witness or otherwise be exposed to the above behaviours⁶.

Family violence is a broad term that refers to violence between family members, as well as violence between intimate partners. Family violence includes physical, sexual, emotional and psychological abuse. While there is no single definition, the central element of family violence is an ongoing pattern of behaviour aimed at controlling a victim through fear, for example by using behaviour which is violent and threatening.

⁵ Family member is defined in section 9 of the *Family Violence Act 2016*.

⁶ This is based on the definition of family violence in the *Family Violence Act 2016*.

In most cases, the violent behaviour is part of a range of tactics to exercise power and control over a family member and can be both criminal and non-criminal.

It does not have to occur within the home or between people who are living together. It is when someone intentionally uses violence, threats, force or intimidation to control or manipulate a partner, former partner or family member. There are many different types of violence including physical, verbal, emotional, financial, sexual and psychological abuse⁷.

Documentation that can be used to identify the applicant as having been subjected to family violence includes one or more of the following documents:

- Emergency protection order
- Family / Domestic violence order
- Personal protection order
- Transcript of hearing or orders made after a hearing
- Record of court proceedings
- Police report
- Letter from legal aid office (ACT) Domestic Violence and Protection Order Unit
- Letter from a counsellor
- Letter or record of sessions from Victims Services
- Letter or record of session from Domestic Violence Crisis Service
- Letter from a lawyer who has been consulted regarding safe exit strategy
- Letter from a refuge

Homelessness or living in crisis, transitional or supported accommodation

Homelessness includes people who are sleeping rough, as well as people staying in temporary, unstable or substandard accommodation. Homelessness has many drivers and causes, including the shortage of affordable housing, long term unemployment, mental health issues, substance abuse and family and relationship breakdown.

A person is considered to be homeless if they:

- have no shelter, sleep rough, live on the streets, in cars, under bridges or in improvised dwellings
- frequently move from various forms of temporary accommodation such as emergency accommodation, or short-term accommodation with friends and relatives
- are staying in unstable or substandard accommodation

⁷ The Domestic Violence Crisis Service provides examples of family violence www.dvcs.org.au.

- are staying in a refuge, temporary accommodation or rooming / boarding houses
- are couch surfing
- are living in a caravan park due to their inability to access other accommodation.

Evidence to support an application includes a letter or other documentation from the applicant's lawyers, specialist service provider or case worker, or a government agency or non-government organisation with experience working with people experiencing homelessness which provides details of the type of homelessness, its duration and current living arrangements.

Enforcement action has not resulted in, or is unlikely to result in, the payment of the infringement notice (for example, previous sanctions did not result in payment)

In considering whether enforcement action is likely to result in payment of the infringement notice penalty, the administering authority should refer to:

- the applicant's history, if any, in discharging liabilities resulting from infringement notice penalties
- whether enforcement action is suitable against the applicant given their circumstances outlined in their application
- whether there are unreasonable constraints on the ability of the administering authority to undertake enforcement action against the applicant
- whether enforcement action is likely to impede the applicant's ability to pay the infringement notice penalty
- any other applicable factors that would prevent successful enforcement action.

The administering authority may request additional information from the applicant.

Suitable person to discharge the infringement notice monetary penalty by completing an approved community work or social development program

The *Road Transport (Approval to participate in an approved community work or social development program) Guidelines* state that in determining whether a person is a suitable person to participate in a program, consideration is given to each applicant's individual circumstances and personal history, the appropriateness of the program applied to participate in and the likelihood of successful participation in that program.

An application for participation in a community work or social development program notice must be made in accordance with section 16E of the *Road Transport (Offences) Regulation 2005*. Applications must be in writing and set out the person's financial circumstances and/or the person's relevant circumstances and include supporting documentation.

The application may be approved if satisfied on reasonable grounds that the applicant is suitable to participate in the program and it is justified because of:

- the financial circumstances of the applicant; and/or
- any relevant circumstances of the applicant.

PARKING

PARKING WITHDRAWAL REASONS

Ginninderra Medical Centre/Belconnen Health Centre/Phillip Medical Centre/Gungahlin Health Centre

All of these medical Centres have free time limited parking. They are walk in Centre's so you can walk in and have no idea how long you will be waiting and leaving is difficult as if you leave and your name is called you will miss your spot. Clients booked in time limited zones in this location are required only to provide proof of their attendance as a patient at the Medical Centre on the day of the offence.

However, if you are able to provide a letter from the Medical Centre confirming your attendance as a patient on the day of the offence your matter will be further reviewed.

Pickup/Set Down

If a client claims they parked in a Pickup/Set Down zone to assist an elderly/disabled person to an appointment/building. Must provide a letter from a registered health practitioner confirming.

However, if you are able to provide a letter from a registered health practitioner confirming that you were assisting a mobility impaired person who would require assistance walking to a building, your matter will be further reviewed.

Appointments (Doctor, Court, Dentist, Asbestos, etc.)

Covers overstaying time limited zone and exceeding paid parking ticket time. If a client is claiming that they were attending a scheduled appointment and that it started late, ran overtime, etc; Must provide evidence of claims.

However, if you are able to provide a letter from «**appointment place**» confirming the appointment time, expected duration and that your appointment was unexpectedly delayed your matter will be further reviewed.

Medical - Disabled/Loading Zone/No Stopping

If a client is claiming that they parked in an illegal zone due to injury/medical reasons, must provide letter from registered health practitioner.

However, if you are able to provide a letter from a registered health practitioner confirming that you were suffering from a medical condition on the day of the offence and as a result were required to park your vehicle in «**Parking Zone**»; your matter will be further reviewed.

Please be aware that we may forward this documentation to our Driver Licence Medical Monitoring Team. This may result in you having to provide a medical clearance report from a specialist confirming that you are fit to hold a driver licence in accordance with the National Fitness to Drive Standard.

Mobility Permit (Permit Holder)

ACT - If a client claims they have a mobility permit, must provide permit number.

However, if you are able to provide your mobility parking permit number your matter will be further reviewed.

INTERSTATE - If a client claims they have an interstate mobility permit, must provide front and back copy.

However, if you are able to provide a front and back copy of your mobility parking permit your matter will be further reviewed.

Interstate Mobility Permit (Passenger)

ACT - If a client claims they were transporting a mobility permit holder, must provide ACT mobility permit number and a stat dec from permit holder. They are entitled to one warning per 12 months.

However, if you are able to provide your passengers ACT mobility permit number and a Statutory Declaration from the permit holder confirming they were a passenger at the time of the offence, your matter will be further reviewed.

INTERSTATE - If a client claims they were transporting an interstate mobility permit holder, must provide front and back copy as well as stat dec from permit holder. They are entitled to one warning per 12 months.

However, if you are able to provide a front and back copy of your passengers mobility parking permit and a Statutory Declaration from the permit holder confirming they were a passenger at the time of the offence, your matter will be further reviewed.

Mobility Carers/Workers

If a client claims they were transporting a client as part of their duties as a disability carer/worker. They are entitled to one warning per 12 months.

However, if you are able to provide a copy of the organisation or client's mobility permit and a letter from your supervisor confirming that you were transporting a mobility impaired client at the time of the offence, your matter will be further reviewed.

Parking Ticket Not Displayed

If a client claims they had a valid parking ticket at the time of the offence but it was not displayed. They are entitled to one warning per 12 months.

However, if you are able to provide a copy of the parking ticket covering the time of the offence your matter will be further reviewed.

Permit Not Displayed

If a client claims they had a valid permit other than mobility or volunteer at the time of the offence but it was not displayed. They are entitled to one warning per 12 months.

However, if you are able to provide a copy of the parking permit covering the time of the offence your matter will be further reviewed.

Volunteer Permit Not Displayed

If a client claims they had a valid volunteer parking permit at the time of the offence but it was not displayed. They are entitled to one warning per 12 months. Support letter must come from the organisation named on the permit.

However, if you are able to provide a copy of the volunteer parking permit covering the time of the offence and a letter from the organisation you are volunteering for confirming that you were conducting volunteer duties at the time of the offence, your matter will be further reviewed.

Police Incident

If a client claims they were illegally parked and the police were involved. Once police report number provided confirm with Infringements@afp.gov.au.

However, if you are able to provide the police report number your matter will be further reviewed.

Good Record – Interstate only

If a client does not hold an ACT driver licence they will need to provide a stat dec for good record.

However, under the *Road Transport (General) Withdrawal of Infringement Notices Guidelines 2018*, a person is entitled to request a withdrawal of an infringement notice based on their five year clear infringement history. If you are able to provide a Statutory Declaration stating your Australian driver licence number and jurisdiction, how long you have held an Australian driver licence and that you have not incurred any parking infringement notices within any jurisdiction of Australia in the five years prior to the infringement in question, your matter will be further reviewed.

Toilet/Vomiting/Fainting/Sudden illness

If a client claims they had to illegally park due to toilet/vomiting/fainting must provide either letter from the Doctor or evidence they purchased medication relating to their sudden illness.

However, if you are able to provide a letter from a registered health practitioner confirming that you were suffering from a medical condition on the day of the offence that required you to urgently park the vehicle; or a receipt or letter from a chemist or pharmacist confirming that you purchased medication relating to your sudden illness on the day of the offence, your matter will be further reviewed.

Machine Fault

If the client claims the machine is faulty check with PEMS, Parking Ops or the private entity whether any faults were recorded/reported that day. A check can also be conducted through a Manager of calls logged to Access Canberra. If our investigation shows up nothing give client opportunity to provide reference number from Access Canberra or evidence that they called to report the machine fault.

However, if you are able to provide the reference number given to you by Access Canberra or evidence that you reported the machine fault prior to the offence your matter will be further reviewed.

Broken Down Vehicle/Unmoveable

If a client claims that they were unable to move their vehicle or had to park it illegally because it broke down must provide evidence.

However, if you are able to provide a receipt or statement from a certified mechanic, road side assistance service or towing service confirming your vehicles breakdown the matter will be further reviewed.

Flat Battery after legally parking

If a client claims to have returned to vehicle and the battery is dead they must provide proof that they had legally parked before battery went flat eg. parking ticket, park mobile session and a statutory declaration from whoever came to assist them in restarting the vehicle.

However, if you are able to provide a copy of the parking ticket purchased prior to your battery going flat and a Statutory Declaration from «**whoever helped restart**» confirming the time and date they came to assist you in recharging your car battery; your matter will be reviewed further.

Please be aware that should this infringement notice not be withdrawn all parties making a statement on a Statutory Declaration could be required to give evidence in the ACT Magistrate's Court.

Lost Keys

If a client claims to have lost their keys when they return to the car, they must provide an invoice from a locksmith or a copy of their parking ticket prior to keys being lost and a Statutory Declaration from whoever brought them the spare key confirming this.

However, if you are able to provide a copy of the parking ticket purchased prior to you losing your keys and a Statutory Declaration from «**whoever brought keys**» confirming the time and date they came to assist you; your matter will be reviewed further.

Please be aware that should this infringement notice not be withdrawn all parties making a statement on a Statutory Declaration could be required to give evidence in the ACT Magistrate's Court.

Tradesman Emergency/Overstay Loading Zone

If a tradesman claims they have had to illegally park due to an emergency eg. Gas leaks, electrical faults, etc.

However, if you are able to provide documentation from the Company you are working for or the client you provided work to confirming the nature of the emergency, time you were notified and your arrival time at the callout location your matter will be further reviewed.

Domestic Violence

A client may be eligible for a withdrawal of an infringement due to domestic violence. Must provide either a letter from a domestic violence support worker or police report number.

However, if you are able to provide a letter from a domestic or family violence support worker supporting your claims or a police report number relating to the incident that led to the infringement notice.

Please be aware that should this infringement notice not be withdrawn all parties making a statement could be required to give evidence in the ACT Magistrate's Court.

PARKING – CALVARY

CALVARY - Staff and volunteers have designated parking at the hospital. If they choose to park in a time limited zone it is their responsibility to move their vehicle when the time limit has expired.

Emergency

If a client has attended the emergency department they are entitled to a withdrawal of any infringement. Must provide proof of attendance (attendance certificate, statement, admission docs, etc).

However, if you are able to provide documentation from the hospital confirming your attendance at the emergency department on the day of the offence your matter will be further reviewed.

This documentation can be requested through Calvary Hospital Medical Records, for public patients on (02) 6201 6280 and private patients on (02) 6201 6972.

Ambulance

If a client was following an ambulance to the emergency department they are entitled to a withdrawal of any infringement. Must provide proof of ambulance transport.

However, if you are able to provide evidence that your «family member» was transported by ambulance to the hospital at the time of the offence your matter will be further reviewed.

Day Surgery

If a client is attending TCH for day surgery they must have parked in a 4hr, 6hr or All Day parking space. All other parking to be enforced.

However, if you are able to provide documentation from the hospital confirming you were admitted for day surgery on the day of the offence your matter will be further reviewed.

Birth (time limited zone)

If a client or their birthing partner has parked in a time limited zone (5 mins – All Day), only required to prove birth.

However, if you are able to provide confirmation of your child's birth your matter will be further reviewed.

This documentation can be requested through Calvary Hospital Medical Records, for public patients on (02) 6201 6280 and private patients on (02) 6201 6972.

Birth (all other parking)

If a client has parked in any other zone (Loading, No Stopping, etc) they must provide a letter from an attending registered health practitioner at the hospital confirming that they were required to illegally park.

However, if you are able to provide a letter from an attending registered health practitioner at the hospital confirming that due to your condition you were required to park in «Parking Zone» your matter will be further reviewed.

Appointments (2hr, 3hr, 4hr, 6hr, All Day)

If a client has parked in a 2hr, 3hr, 4hr, 6hr or All Day parking space, only required to provide an attendance certificate. All illegal parking to be enforced (Loading, No Stopping, etc)

However, if you are able to provide an attendance certificate from the hospital your matter will be further reviewed.

This documentation can be requested through Calvary Hospital Medical Records, for public patients on (02) 6201 6280 and private patients on (02) 6201 6972.

Appointments (1hr or less)

If a client has parked in a short time limited zone must provide a letter from the Hospital confirming appointment time and expected duration. All illegal parking to be enforced (Loading, No Stopping, etc).

However, if you are able to provide a letter from the hospital confirming your appointment time and expected duration your matter will be further reviewed.

Visiting

If a client is parked in a time limited zone (5 mins – 2hr) must provide letter stating that they were unable to leave to move vehicle.

However, if you are able to provide a letter from an attending registered health practitioner at the hospital confirming that you were visiting a patient and unable to leave to move your vehicle your matter will be further reviewed.

Visiting (3hr, 4hr, 6hr, All Day)

If a client is parked in a time limited zone (3hr, 4hr, 6hr, All Day) must provide letter stating that they were unable to leave to move vehicle.

However, if you are able to provide an attendance certificate for either yourself or the patient you were visiting at the time of the offence your matter will be further reviewed.

Death

If a client is visiting a patient who is dying or attending to a patient who has died, if they can provide proof of death and that the death occurred within 24 hours of the infringement. Relative only.

However, if you are able to provide a death certificate, funeral notice or a letter from the hospital confirming the passing of your «Deceased Person» on the day of the infringement your matter will be further reviewed.

This documentation can be requested through Calvary Hospital Medical Records, for public patients on (02) 6201 6280 and private patients on (02) 6201 6972.

Patient Collection

If a person is collecting a patient they must provide proof of discharge time, if they have overstayed parking or parked in a pickup/set down zone they must provide a letter from the hospital confirming the expected discharge time.

However, if you are able to provide a letter from the hospital confirming the expected discharge time and the actual discharge time your matter will be further reviewed.

Minors (All time limited parking)

If the client is requesting a withdrawal of an infringement as they were caring for a minor (16 years or younger) in hospital.

However, if you are able to provide documentation from the hospital confirming the dates your «son/daughter» was in hospital your matter will be further reviewed. Please note this document must have your child's date of birth on it.

This documentation can be requested through Calvary Hospital Medical Records, for public patients on (02) 6201 6280 and private patients on (02) 6201 6972.

GOOD RECORD INFORMATION SHEET

An application for withdrawal based on good record is where the client has requested a review of their infringement notice based on previous good behaviour. To be eligible for a withdrawal under this reason they must be able to demonstrate that they have not received any relevant infringement notices in the 5 years prior to the offence and the offence must not be considered a 'serious offence'.

PARKING

ACT licence hold for past 5 years

If the client has held an ACT driver licence for the past five years, search infringements on Rego ACT via the clients CRN. If there are no parking infringements in the five year period prior to the offence date and the offence is not classed as a serious offence the client is eligible for withdrawal.

Interstate licence held in the past 5 years

If the client has held a licence in another jurisdiction with the last 5 years they will need to provide a statutory declaration demonstrating their good record. The stat dec must state their Australian driver licence number and jurisdiction, how long they have held an Australian driver licence and that they have not incurred any parking infringement notices within any jurisdiction of Australia in the five years prior to the infringement in question. If they are able to provide this and the offence is not classed as a serious offence the client is eligible for withdrawal.

TRAFFIC/VITU

ACT licence holder for the past 5 years

If the client has held an ACT driver licence for the past five years, search infringements on Rego ACT via the clients CRN. If there are no traffic infringements in the five year period prior to the offence date and the offence is not classed as a serious offence the client is eligible for withdrawal.

Interstate licence held in the past 5 years

If the client has held a licence in another jurisdiction within the last 5 years they will need to provide a licence history from the relevant jurisdiction where a licence has been held. If the client has held a licence in more than one jurisdiction with the 5 year period they are required to provide a licence history from each state/territory a licence has been held. If they are able to provide this and their interstate record is clear of traffic infringements for 5 years prior to the offence and the offence is not classed as a serious offence the client is eligible for withdrawal.

SERIOUS OFFENCE

If the offence is listed below the client is not eligible for a withdrawal based on previous good behaviour.

Parking

- 301 – disobey no stopping
- 307 – stop on/near children's crossing
- 308 – stop on/near pedestrian crossing
- 309 – stop on/near marked foot crossing
- 343 – stop in parking area for disabled

Traffic

- Speed limits greater than 30km/h
- School zone/work greater than 15km/h
- Enter marked foot crossing/proceed through red light

Unregistered/Uninsured

Where a client has been unregistered/uninsured for a period of less than 3 months and can demonstrate a 5 year good traffic record they will be eligible for a withdrawal. If their registration has lapsed by more than 3 months please seek supervisor advice prior to making an assessment.