

Unsuccessful Requests to Waive Infringement Notices

Listed below are some of the common excuses given by people when they appeal against the issuance of an Infringement Notice. While these justifications may seem reasonable to the violator, they do not address either the law or the regulations. Generally, these excuses will not produce an outcome where the Infringement Notice would be withdrawn.

It is not the University's intention to deter anyone who considers they may have a good reason for appealing against the issue of an Infringement Notice. If you believe that your circumstances are outside the examples listed below, then please follow the appeals process as listed above.

Examples

I left someone in the car, or, I left my parking lights on, or, I left my indicators flashing, or, I left a note in the car as to my whereabouts, or, I left the engine running:

Many drivers seem to believe that evidence of a short stay mitigates the offence. It does not. Whether or not any of the above applies, the fact is that if your car is there and you are not, then the car is parked. If there is no driver in control of the vehicle (passengers are not the driver) and the vehicle is not in motion, then the vehicle is parked even if the motor is running. You need to be aware that, under traffic law, it is an offence for a driver to leave a vehicle's motor running but unattended. All of these excuses admit that the offence occurred.

This is my first visit to the campus and I did not know I had to pay for parking:

There are large signs at every vehicular entry point to all University car parks which indicate that parking regulations apply on the campus. The location of these signs is sufficient notice for the University, as an administrative authority, to deem that everyone who drives or rides to the campus has read and understood the sign. Parking areas and roads also have signage and markings that comply with the Australian Standards Manual. If you have any questions about parking or driving on campus, then, as a driver or rider, you have the responsibility to inform yourself before you attempt to park.

I am a contractor doing work for the University and I need to have my tools close by:

If you are a contractor or sub-contractor, then you need to contact whoever organises you to come onto a building site (normally the Site Manager or project officer) to inform yourself of the parking arrangements. If you need to have your vehicle close by, you will need to make arrangements with the Site Manager to park within the building site compound. If this is not possible, then you will need to drop off your tools and equipment, then find a parking spot, and pay for parking along with every other person who drives a vehicle to get to work. Remember, it is your responsibility to make yourself aware of the parking regulations at University sites. It is important to note that loading zones are not parking areas, and that the 20-minute limit is strictly enforced.

I don't believe that I spent any longer than 20-minutes in the Loading Zone:

Parking Inspectors and Security Officers must visit a loading zone at least twice over a period of twenty minutes in order to issue this type of Infringement Notice. If you had not been in the bay for more than twenty minutes then the Infringement Notice would not have been issued. If you were a person who watched the time so closely that you would not have overstayed, then you would have been back to the vehicle within the specified timeframe.

I was dropping off heavy items to my office and got caught up with work, or, someone needed my attention urgently:

Loading zones and loading docks are not free-of-charge twenty -minute parking bays, Vehicles must be moved as soon as loading or unloading is complete.

I was on official University business:

No matter what was the purpose for your trip onto the campus, you are required to park legally. The registered owner of a vehicle (or the driver in the case of University-owned vehicles is held responsible

for any parking or traffic Infringement Notices. University policy indicates that parking or traffic tickets may not be paid from University funds, regardless of whether or not the Infringement Notice is issued on-campus by the University.

My job requires me to go off-campus during the day, and when I return I couldn't find a parking space:

The University recognises that this situation exists, and has made arrangements to provide parking within the University's car parks, so that employees in this situation do not have to waste excessive time searching for a parking spot when they return. This explanation does not excuse illegal parking, and will not be accepted as a justification for so doing - it would seem to discriminate against those thousands of employees, students, and visitors who comply with the regulations.

I was running late for a business or personal appointment:

Being late does not deliver the privilege of parking illegally. The status of the person with whom you are meeting is not relevant, as (illegal) parking must be administered without bias. The best way to avoid this situation is to make parking arrangements prior to your visit.

It was only a few minutes:

This explanation is commonly offered, but even if it were true, the fact remains that parking in a restricted or controlled area is illegal, and is therefore an admission that the offence occurred. In areas with time limits, enforcement staff, check the vehicle at least twice before issuing an Infringement Notice.

The ticket machine wasn't working, or, wouldn't register the coins I tried to put in:

The display window should always be checked before pressing the ticket-issue button. If the display does not show that all of the coins have been accepted, the reject button should be pressed and the coins re-inserted. Pay & display machines do not accept 5-cent pieces, and may not accept copper, damaged, wet, greasy, or foreign coins either. Pay & display machines are located within throughout the University's road and car park system, so it is not difficult to try another machine. All machines are inscribed with a phone number to report malfunctions, and all calls are answered immediately.

I was only on a short errand, or, doing a delivery:

No errand, no matter how brief, or how important to the driver (with the exception of bona fide medical emergencies) is an acceptable excuse for illegal parking. Being on a short errand is a common excuse, but it is not a valid reason to justify parking illegally. If you have a short errand to complete, then you should use either short-term metered parking, or loading zone.

I left my vehicle in the Set Down bay to go and collect my passenger:

Passenger set down and pick up bays are provided for a very specific purpose, may only be used for a very short time-period, and the driver must remain with the vehicle. The purpose of this regulation is to restrict the timeframe for motor vehicles that are not in motion, and to accommodate the large number of people who are picked up by car. The presence of a passenger, or, a sign on the dashboard, or, blinking indicators do not satisfy this purpose, and do not constitute a valid reason to dismiss this type of Infringement Notice.

This regulation has not been enforced in the past:

Usually, this is not the case. However, sometimes staffing or other priorities may give rise to Infringement Notices not being issued continually for particular types of breach of the regulations. Just because you have not received one type of Infringement Notice before does not mean that the legal basis for issuing one in this instance does not exist. That is, the appeal is on the grounds of practice rather than validity, and therefore will not be accepted.

I've done it for years, or, Everyone does it:

This is never a valid excuse for parking illegally. Nobody should be rewarded for getting away with previous, unpenalised, breaches of the regulations.

Nobody else got a ticket:

Sometimes this putative excuse is put forward as an accusation of discriminatory enforcement. However, sometimes an Officer may have to leave an area before checking all vehicles because they have multiple responsibilities across a large campus - enforcement being only one. Therefore, in some circumstances, only a portion of a parking area may be patrolled, however, an Officer will always try to return to the area to complete a patrol if it is possible. The fact remains that the Infringement Notice was issued validly, and the appeal will be declined.

I didn't receive the Reminder Notice because I have changed address:

Australians receive a range of official and formal correspondence through the post and it is the individual's responsibility to ensure that mail can be forwarded to them when they change address. This excuse does not address the validity of the Infringement Notice, nor does it offer a valid explanation that could effect the withdrawal of the Notice or the waiving of some or all of the added fees.

I disagree with having to pay parking fines:

How people choose to travel to campus is their individual choice. If you do not wish to pay parking fees, then do not park on campus. It is very expensive to provide parking. The University strongly urges people to consider alternatives such as public transport, cycling, or walking to campus (or a combination of these options). If you choose to park on campus, then you are legally required to pay the appropriate fee and to abide by the regulations.

Someone else had my car:

Under the law, the registered owner has joint responsibility with the driver of the vehicle at the time. Unless the registered owner can demonstrate that the vehicle was stolen, then the owner, renter, or lessee is responsible for any parking or traffic Infringement Notice that may be issued. Alternatively, the registered owner may clearly identify the driver of the vehicle at the time the Infringement Notice was issued and provide a current address for that person, by means of a Statutory Declaration that must be signed in the presence of a Justice of the Peace or a Commissioner for Declarations. A Statutory Declaration is a legal document that carries weight before the law, in which the declarant is required to tell the truth. The University has entire discretion as to whether it accepts a Statutory Declaration, or whether it declines it and continues the process against the registered owner.

An official saw me park and didn't say anything, or, Said it was OK for a few minutes:

University employees do not have authority to give permission to break the law. Wherever possible, Traffic or Security Officers will communicate with drivers about illegal parking, but silence by an official does not waive parking restrictions. It may be the case that the Officer is amazed that you would park illegally despite his or her presence. If someone does tell you that you can or can't do something in relation to parking or traffic, then ask to see their identification card and write down their name, position, and ID number in case you are subsequently issued with an Infringement Notice. Please note that this may not necessarily cause the Infringement Notice to be withdrawn.

There was no place else to park, or, All the parking lots were full:

Together with being an invalid excuse, this statement confirms the appellant's liability. It is every driver's responsibility to locate legal parking, and this may include having to find a space off-campus. Remember that if a place is not clearly signed as a parking area, then it is not a parking area.

If a space is available then I should be able to park there:

Through signage and markings the University restricts users to particular parking areas because of the need to balance various needs against the number of people who access its sites. The parking plan is reviewed each year, and taking into consideration other requirements, the changing nature of activities on campus (sporting, cultural, entertainment, business, banking, commercial outlets) that complement

the traditional activities of teaching, study, and research. Whilst most parking spaces are well patronised, there will always be some that are used more infrequently than others. Just because a space may not be occupied when you arrive on campus, that does not indicate that it will not be required shortly by a user who is authorised to park in that zone or space.

I had paid for parking and had a permit displayed on my car:

If you do not have an appropriate permit for a particular parking area then you must not park there, also if you purchase a permit but forget to display it clearly. The offence is failure to display a valid permit, not failure to display a permit, and you therefore require a permit that is valid for the area or zone in which you park.

I was not causing an obstruction to other users, or, I was not causing an obstruction to access:

You are not allowed to park on lawns, median strips, forest areas, footpaths, building access ways, or any other place not clearly set out as a parking area. Such activity damages University assets, or creates a hazard or risk to people or to the environment. You must find a safe and legal parking place and then occupy it while displaying the appropriate permit. Just because you can squeeze into a space does not make it an appropriate place to park. If it is not clearly marked as a parking area, then you may not park there.

I have a permit but I left it in my glove box, or, my permit was on my other car:

The offence is failure to display a valid permit, not, failure to have paid for a permit. If a permit is not displayed, then you may be issued with an Infringement Notice. Logistically, before issuing an Infringement Notice it is virtually impossible for the Officer to check to see whether a permit has been issued for every vehicle in which none is displayed. Please remember to switch your permit if you change cars, and be sure that you have registered the car with the permit.

I didn't see the sign, or, I didn't understand the sign:

One of the responsibilities for drivers is to look for signs when parking, and on some occasions this may mean checking an entire parking lot. Drivers are also required to abide by directions indicated by the signs. Furthermore, licensed drivers are deemed to understand signage as set out in the Australian Standards Manual which sets the community standard for parking and traffic signage. Therefore, when a person indicates that they did not understand a sign, it is not considered an acceptable excuse.

Only part of my car was parked illegally, or, The car next to me was taking up more than one bay:

A breach of the regulations is not based on a certain percentage of the vehicle being illegally parked. If part of the vehicle extends into a restricted area, then the Infringement Notice is issued as if the whole vehicle encroached. The same applies when a vehicle straddles a line marking.

I didn't know that a yellow line means no stopping, or, I thought that yellow lines apply only at the University and I forgot what they indicate:

Yellow lines are used Australia-wide to indicate no stopping areas, and it is the responsibility of licensed drivers to know and understand traffic signage and road markings that are standard in the Australian Standards manual.

I had my permit displayed, but I have a new vehicle:

Annual and semester permits are issued on the condition that the driver advises the registration number of their vehicle or vehicles to the Parking Office together with the make, model, and colour. If a vehicle displays a permit, but the details have not been recorded on the permit database, then the permit is invalid. Advising the University of these details is not a frivolous matter, but one that could involve the legal processes consequent on the issuance of an Infringement Notice. It is your responsibility to inform any changes to the Parking Office.

I had bought a pay & display permit, but it was face down, or, had fallen onto the floor:

The offence is failure to display a valid permit, not failure to display a permit. If a permit is upside down, or face down, or has fallen from the dashboard, then it is not validly displayed because the details are not clearly visible from outside the vehicle. It is your responsibility to ensure that the permit is displayed properly.

The Short-term Zone machine wouldn't let me pay for the whole period I wanted, so I bought two tickets that displayed the same period of time:

Between 9:00am and 5:00pm, Short-term metered parking is limited to ensure that there is a good turnover of vehicles. If you wish to park for longer, then you should choose a different parking area. You may not validly "bank" tickets - they are valid only for the period marked on the ticket.

I had bought a valid ticket, but had been delayed by unexpected demands, or, the meeting went longer than expected, and the time had passed:

It is your responsibility to purchase parking that allows for unexpected delays if your vehicle is in a time-limited parking area. If the ticket has expired, then it is no longer valid despite being properly displayed, and a legally binding Infringement Notice may be issued.

The ticket was issued during summer vacation and there were plenty of spaces available, it is ridiculous to issue a ticket in these circumstances:

University parking regulations apply 24-hours each day, and 7-days each week - irrespective of University programs and schedules. Paid parking applies on all weekdays (except Public Holidays) throughout the year from 9:00am until 5:00pm (6:00am to 6:00pm in Car Park 12 and 21). It is a driver's responsibility to inform her/himself of the parking conditions. The driver does not have discretion to decide when parking must be paid for. Failure to display a valid permit is an offence that requires an Infringement Notice to be issued.