

Request to appeal a parking fine

Council of the City of Gold Coast
ABN 84 858 548 460

PO Box 5042 GCMC QLD 9726

P 07 5667 5989

E mail@goldcoast.qld.gov.au

W cityofgoldcoast.com.au/parkingfines

An appeal can be submitted by completing this form or online at cityofgoldcoast.com.au/parkingfines

Please read the Appeal a parking fine information overleaf before completing the form.

Please use **BLOCK LETTERS** and complete all details in full.

The person making the application should be the person issued with the parking fine or an authorised agent.

Privacy statement

Council of the City of Gold Coast is collecting your personal information in accordance with *Local Government Act 2009* in order to assess your request. The information will only be used by authorised officers for the purpose of assessing your request. Your information will not be given to any other person or agency unless you have given us permission or we are required or allowed to by law.

APPLICANT DETAILS

| | | | |
|-------------------------------------------|--------------------------------------------------------------|------------------------|--|
| Name | | | |
| Postal address | | | |
| Suburb | | Postcode | |
| Phone (mobile) | | Phone (business hours) | |
| Email | | | |
| Preferred method to receive communication | <input type="checkbox"/> Email <input type="checkbox"/> Post | | |

PARKING FINE DETAILS*

| | | | |
|---------------------|--|-----------------------------|--|
| Parking fine number | | Date of notice | |
| Offence code | | Vehicle registration number | |

*If you do not have the above information, please call us on 07 5667 5989.

GROUNDINGS FOR APPEAL REQUEST

| | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--------------------------|----------------------|--------------------------|---------------------|
| Please indicate the relevant grounds for your request by ticking the relevant box below. | | | | | |
| Elements of offence not met – if it is believed the facts concerning the alleged offence are incorrect, or the details have been incorrectly recorded on the parking fine, then the basis for making this claim is to be provided and explained. All relevant or supporting evidence is to be attached – see information overleaf for specific evidence requirements. | | | | | |
| <input type="checkbox"/> | Mistaken fact | <input type="checkbox"/> | Administration error | <input type="checkbox"/> | Other circumstances |
| | | | | | |
| Nominate another driver – a Statutory Declaration is to be provided with the name and address of the person in control of the vehicle; copy of disposal notice; and/or police report attached (whichever is applicable). | | | | | |
| <input type="checkbox"/> | Vehicle under control of another person | | | <input type="checkbox"/> | Vehicle stolen |
| Mitigating circumstances – details are to be provided outlining circumstances of why committing an offence was unavoidable. Copies of supporting documentation (medical certificate, towing invoice, valid permits) to be attached along with a Statutory Declaration form where applicable – see information overleaf for specific evidence requirements. | | | | | |
| <input type="checkbox"/> | Medical emergency | <input type="checkbox"/> | Mechanical breakdown | <input type="checkbox"/> | Other circumstances |
| | | | | | |

| | | | |
|--------------------------------------------|--|------|--|
| Authority to proceed with review of appeal | | | |
| Applicant signature | | Date | |

Appeal a parking fine

If you have received a parking fine and feel that it was an error or that there were exceptional circumstances you can apply to have the parking fine reviewed. Prior to making an application you are encouraged to read the below information and our **safe and legal parking tips** page on the City website.

An appeal must be submitted:

- by the person who received the fine unless another person or agent is authorised to act on the person's behalf
- prior to payment of the fine
- by completing this form or online at cityofgoldcoast.com.au/parkingfines and attaching all relevant supporting evidence.

View photos of the fine and your vehicle online

To help you choose what to do about your fine you may view photos online that were taken at the time the offence occurred. Refer to cityofgoldcoast.com.au/parkingfines

Applications for an appeal must be made in the approved form and have all necessary evidence attached.

Reasons for appeal

A request for an appeal must be based on one of the following grounds:

1. **Elements of offence not met** – if you believe the facts concerning the alleged offence are incorrect. All relevant supporting evidence must be attached.
2. **Nominate another driver** – if the vehicle involved in the offence was not in your control at the time. This requires the completion of a Statutory Declaration with the name and address of the person in control of the vehicle and / or a copy of the disposal notice or police report attached.
3. **Mitigating circumstances** – if committing the offence was unavoidable such as a medical emergency occurred or your vehicle broke down. Any relevant supporting evidence must be attached such as a medical certificate or a towing invoice.

Parking fines will not be withdrawn for the following reasons:

- financial hardship (for fines over \$200 you may apply to pay in instalments)
- being unaware of the law or not seeing a sign
- disagreeing with the law – you feel the offence is trivial or did not cause a problem to anyone
- running out of petrol
- appointment was delayed
- stopped in a restricted zone briefly
- paying for time that exceeds the maximum allowable parking period.

Evidence

Depending on the type of parking fine issued, you should include the following evidence with your application:

- a copy of the parking fine (or at least the number), vehicle registration number, date and time of incident
- grounds for any legal defence or detail of exceptional circumstances
- detail of the error on the parking fine
- photographs or diagrams
- a copy of valid parking permits or disability parking permit
- written advice or crime report from Queensland Police Service.

See next page for specific evidence requirements.

Specific evidence requirements

Your application will be assessed based on the evidence you provide. Therefore, if sufficient evidence is not included with your application your request to have the parking fine withdrawn will be denied.

| Grounds for request | Evidence required |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Serious medical circumstances (includes accident and emergency hospital attendance, family death, giving birth, palliative care). | Letter from attending doctor or hospital detailing time and date corresponding to offence. |
| Mechanical breakdown | Tow truck receipt, RACQ receipt or mechanical report stating date and time. |
| Parking machine not working (must have attempted all machines within the vicinity and attempted other methods of payment, e.g. coins, card or Easy Park app). | Statement of each attempt made to pay (review officer will check system outage reports). |
| Driver has a valid disabled parking permit however the permit was not displayed. | Copy or photo of the valid disabled permit and identification details for proof of ability to use permit. Note the parking fine can be withdrawn for first offence only. |
| Incorrect details / administrative error. | Correct registration details (copy of registration certificate) or photo of vehicle to demonstrate different to the vehicle nominated as committing the offence, or other evidence to show proof of incorrect details. Note that the parking fine may be reissued with correct details. |
| Sign missing, damaged or faded. | Photo of missing, damaged or faded sign clearly showing surrounding area to identify the area as the location of the offence. |
| Parking fine issued in error or incorrect offence stated. | Relevant photos and other information to support the argument that the offence did not occur. |
| Not the driver at the time of offence. | Statutory Declaration stating details of person responsible for the offence or if the driver was unknown, a copy of a police report. |

How to submit an appeal

Appeals will only be accepted if submitted online at cityofgoldcoast.com.au/parkingfines or on this form with all relevant supporting evidence attached.

Forms can be submitted by post or email (see front page of form for details) or at any Customer Service Centre – see cityofgoldcoast.com.au/contactus for details.

An appeal must be made prior to payment of the fine and by the person who received the fine unless another person or agent is authorised to act on the person's behalf.

What happens after you submit an appeal?

Once your completed application is received, your fine will be placed on hold. This means that no payment is necessary while we review your application. You will be notified of the decision within 45 business days. If your fine is withdrawn no further action from you is necessary. If your fine is upheld you will be given 28 days to pay the fine.

Further information is available at cityofgoldcoast.com.au/parkingfines

| OFFICE USE ONLY | | | |
|-------------------------|--|----------------|-----------------|
| Date received | | Fee paid | |
| Received by | | Receipt number | |
| Business partner name | | Account number | |
| Business partner number | | AMS code | (if applicable) |