

**QUEENSLAND UNIVERSITY OF TECHNOLOGY
PARKING OFFICE**

PARKING OPERATING PROCEDURES

STANDING INSTRUCTIONS	Prepared by: T. Castle & W. Bryant Last Reviewed by: W. Bryant	Authorised by: F. Ross
VERSION: 1.0	Date of Issue: 17 November 2011 Date of Last review: 7 May 2012	POLICY: W 1
WAIVER		

POLICY: Parking personnel must take a consistent and balanced approach to the processing of requests for a waiver of a parking infringement notice.

AUTHORITY: Queensland University of Technology Act 1998, Schedule 1, Section 7(2)

PROCEDURE: A person on the university's land must comply with a regulatory notice, unless the person has a reasonable excuse for not complying with it

The recipient of an infringement notice may lodge an appeal at any time within 28 days of the notice being issued. During the appeal process the matter will be held in abeyance until a determination is reached, Parking personnel are to be fair and just in their processing of the request.

ACTION: In the first instance this is done by writing to (emailing) the Parking Services Officer – Infringements and outlining the circumstances that would justify a waiver. The Parking Services Officer - Infringements will consider the circumstances of each infringement on its own merits then makes a recommendation to the Parking Manager who will review the decision then write to the appellant advising them of the outcome of their appeal.

The unsuccessful appellant may then lodge a second and final appeal by writing to the Security Manager and requesting consideration for a second and final review.

On receipt of a request for a second review, the Security Manager will undertake an independent re-examination of the circumstances and will write to the appellant advising them of the outcome of the review of the infringement. If the appeal was unsuccessful he will advise the appellant that they may choose to pay the fine or contest the matter in court.

This appeal process is publicised on the Parking Administration web pages.

If the initial appeal is raised elsewhere within the University then the appellant should be directed to raise their waiver request directly with the Parking Office.

In those circumstances where the appellant has exhausted the appeals process described above and a determination has been reached, no further appeal will be considered and the matter will be pursued by the University to a legal determination in court.

An infringement will normally only be waived if the infringement was incorrectly issued, there was a medical emergency or other extenuating circumstances.

INCORRECT ISSUED INFRINGEMENT TICKET

- Incorrect Registration details.
- Incorrect car colour.
- Incorrect time.
- Incorrect date.
- Incorrect area.
- Incorrect offence.
- If the photographic evidence shows that the details of the alleged offence was not substantially correct.

MEDICAL EMERGENCY

A medical emergency means

- a medical condition that manifests itself by acute symptoms including severe pain so that a prudent layperson would reasonably expect the absence of immediate medical attention would place in jeopardy.
 - a. the drivers health
 - b. another person's health
 - c. the health of the unborn child of a pregnant woman
- A medical condition described in a letter by a Doctor that in their view precluded the driver from complying with the QUT Parking Policy on the occasion that they were issued the infringement notice.

Minor medical conditions such as head ache, cramps, cold and flu, toothache, stress or the state of pregnancy will not be considered sufficient to waive a correctly issued infringement notice.

EXTENUATING CIRCUMSTANCES

- The driver claims car breakdown – Waive on condition of providing a copy of towing company receipt, RACQ or mechanics written verification.
- The driver holds a valid permit and it was not displayed – (if no prior record of same offence) - Waive as one off, goodwill gesture with a caution not to reoffend.
- The driver advises pay & display ticket must have slipped off dash – (if no prior record of the same offence) Waive on condition of providing a copy of the valid ticket, as one off, goodwill gesture with a caution not to reoffend.
- If an authorised officer acknowledges that they have given incorrect information on parking times, car parks and permits to the infringement recipient.

Any further discrepancies will be left to the decision of the Parking Manager to grant a waiver on first appeals or Security Manager on second and final appeals.