

## Parking Infringement Information

The University's traffic and parking regulations are defined and regulated under the James Cook University Act 1997, the State Penalties Enforcement Act (1999), the State Penalties Enforcement Regulation (2014).

JCU Security Officers/Authorised Persons regularly patrol University campuses and issue Infringement Notices to vehicles found to be in breach of traffic regulations. Infringement notices are issued via a hand held device and are generally placed under the windscreen wiper of the vehicle. The jurisdiction of JCU Security Officers/Authorised Persons extends to all University sites. Photographs of vehicles will be taken at the time an infringement Notice is issued.

### When will an Infringement Notice be issued?

Infringement Notices will be issued when a vehicle is parked in contravention of the current regulations listed above. Some of the more common offences are listed below. Infringement amounts are linked to Penalty Units which are defined by the Qld State Government and varied from time to time. A penalty unit in Queensland is \$120.00 (as at 1 Jan 2017).

Offence	Penalty
Failure to display a required permit whilst parking	1/2 penalty unit
Contravention of a notice containing the words 'No Parking' or 'No Standing'	1 penalty unit
Parking or Standing on a place where the parking or standing of a vehicle is prohibited or restricted by notice	1/2 penalty unit
Exceeding the (signposted) time restriction	1/2 penalty unit
Vehicle not parked in Marked Bay	1/2 penalty unit
<u>Contravention of a notice prohibiting or restricting any other parking or standing –</u> Parked outside a designated Car Park as indicated by the Campus Parking and Transit maps	1/2 penalty unit
Parking or standing on a site, parking place or space <u>restricted by notice</u> , to vehicles of a particular class or subset, of which the vehicle is not one Parked in a Special Permit bay displaying incorrect permit Parked in a Bus Zone – but not a Bus Parked in a Service Vehicle Bay – but not a Service Vehicle	1/2 penalty unit
Driving on a road in the direction contrary to that permitted by notice – driving the wrong way on a road	1 penalty unit

## What do I do if I get an Infringement Notice?

Read the reverse of the ticket to understand your options. If you wish to pay the fine you can pay by mail, telephone or BPay. You have 28 days to pay the fine before further action is taken. A reminder letter may be sent as a matter of courtesy after this time.

If you lose the ticket please contact [parking@jcu.edu.au](mailto:parking@jcu.edu.au) with your vehicle registration number who can advise the infringement number for you to arrange payment.

If you choose you can also elect to have the matter heard in Court. If found guilty, you may be fined and required to pay additional costs. If you do not appear on the date set for the hearing, the offence may be heard in your absence.

If you choose not to pay the fine within the required period the Notice may be referred to the State Penalties Enforcement Registry (SPER). If this occurs you will be required to pay additional fees and SPER may take any of the following actions:-

- Suspend your Driver's Licence or your ability to obtain a Driver's Licence
- Give a Fine Collection Notice to your bank ordering the transfer of the money from your Bank Account
- Give a Fine Collection Notice to your employer ordering the deduction of money from your wages
- Give an enforcement warrant to an Enforcement Officer to seize and sell your property
- Give an Arrest and Imprisonment Warrant to a Police Officer.

## Can I lodge an appeal?

If you believe you have been incorrectly issued with an Infringement Notice, the information on the Notice is incorrect, or there are mitigating circumstances, you have the option to lodge an appeal. An appeal must be in writing and lodged on the [standard form](#). The form must be completed and sent as a PDF attachment to [parking@jcu.edu.au](mailto:parking@jcu.edu.au) or posted to

The Appeals Officer  
JCU Parking  
Estate Directorate, James Cook University  
DOUGLAS, QLD 4811

The infringement notice number and postal address must be quoted for the appeal to be processed. The appeal must explain clearly why you believe the notice should be withdrawn. The following reasons are not considered grounds for appeal (please see further information at the end of this document regarding explanations offered for parking illegally):-

- I was running late for class and could not find a park
- There is not enough car parking on campus
- Vehicles parked next to me did not have an infringement notice on them
- There were other vehicles parked there so I thought I was allowed
- I pay Student Fees so should be allowed to park near where I study
- My vehicle was not parked in a dangerous manner
- My permit fell off my windscreen or I forgot to display my permit (the offence is failure to display not failure to have paid for a permit)
- I only left the car for a few minutes
- I was on official University business
- I did not know I had to pay for parking
- All car parks were full

You also have the opportunity of providing a Statutory Declaration to the University if you believe you are not liable for the offence due to the following reasons:-

- The vehicle was being used illegally
- The vehicle was being used by another person (nominated by you)
- The vehicle was being used by another person (but unable to be identified)
- The vehicle had been sold or otherwise disposed of

If the Statutory Declaration is received within 28 days of the offence and the actual offender can be identified, a prosecution against them may be commenced instead of enforcement of the notice. The Statutory Declaration must be signed in the presence of a Commissioner of Declarations or a Justice of the Peace and forwarded to [parking@jcu.edu.au](mailto:parking@jcu.edu.au) or

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Once a decision has been reached, a letter advising the outcome will be sent to the appellant. In the meantime no further referral action will occur until you have been advised of the decision. The documents will be reviewed taking into account:-

- Information provided in the appeal document/ Stat Dec
- Information on the Infringement Notice being correct (offence, location)
- Photographs
- Any other mitigating circumstances including notes recorded by the Authorised Person at the time of the offence.

The reviewing office will recommend if the Infringement Notice should be upheld or withdrawn by the JCU Delegated Administering Authority appointed under the State Penalty Enforcement Act 1999 - Section 28. A letter will be forwarded advising if the Infringement Notice has been upheld or withdrawn. This may take a number of weeks.

If you are advised that the Infringement Notice has been withdrawn no further action will be taken by the University. If you are advised the Notice has been upheld you will have a further period of time to pay the outstanding amount. Failure to pay within this period will result in the Infringement being referred to the State Penalties Registry. Additional costs will be incurred by you should this occur.

If you are not satisfied with the decision of the Delegated Administering Authority, you must advise the University that you wish to have the matter dealt with in a Court of Law. If the University decides to take the matter to Court, you will be liable for obtaining your own legal advice. If you lose the case in Court you may also be liable for any costs incurred by the University.

#### Common Explanations Offered for Parking Illegally

- 'All the car parks were full' – It is every driver's responsibility to park legally. Whilst the University acknowledges it is difficult to find a park during peak periods a permit is only a 'licence to look' and parking is not guaranteed. Staff and students are encouraged to seek alternate travel to campus in peak times. Car-pooling, public transport and cycling to the University are options.
- 'I was not obstructing other vehicles or parked in a dangerous manner' – You are not allowed to park on lawns, median strips or unsigned areas. Such activity damages University assets (such as sprinklers, underground infrastructure etc) and creates a hazard or risk to other people or the environment.
- 'I have a permit but I left it in the glove box' or 'my permit was on my other car'. The offence is a failure to display a valid permit, not failure to have paid for a permit. Logistically, before issuing an Infringement Notice it is virtually impossible for the Officer to check to see if a permit has been issued for every vehicle where none is displayed.
- 'I did not see the sign, or I didn't understand the sign' – Licensed drivers are deemed to understand signage as set out in the Manual of Uniform Traffic Control Devices which sets the community standard for parking and traffic signage.
- 'I was on official University business' – No matter what the purpose of the trip you are required to park legally.
- 'Nobody else got a ticket' – Officers patrol a large campus and may only attend an area for a short time before being called away. The fact remains the infringement occurred and the notice is therefore valid.
- 'I did not receive a reminder notice because I changed my address' – It is an individual's responsibility to change addresses with relevant Government Departments. The University is not required to send reminder notices however does this in good faith. Failure to receive a reminder notice does not change the validity of the Notice.
- 'I pay Student Fees – I should not have to pay parking fines' – How people choose to travel to campus is their choice. If you wish to park at the University then parking rules have to be followed. If you do not wish to park at the University, other options are available to you.