

# LOCAL GOVERNMENT ACT 1995

## SHIRE OF MUNDARING - PARKING LOCAL LAW 2009

Under the powers conferred by the *Local Government Act 1995*, and under all other powers, the Council of the Shire of Mundaring resolved to make the following Local Law on the 26 May 2009.

### PART 1

#### DEFINITION AND OPERATION

##### 1.1 Citation

This Local Law may be cited as the *Shire of Mundaring Parking Local Law 2009*.

##### 1.2 Commencement

This Local Law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

##### 1.3 Repeal

The *Shire of Mundaring Local Law Relating to Parking* published in the *Government Gazette* on 16 March 1999 is repealed.

##### 1.4 Interpretation

(1) In this Local Laws unless the context otherwise requires –

‘Act’ means *Local Government Act 1995*;

‘Authorised Person’ means a person authorised by the local government under section 9.10 of the Act, to perform any of the functions of an Authorised Person under this Local Law;

‘Authorised Vehicle’ means a vehicle authorised by the local government, Chief Executive Officer, Authorised Person or by any written law to park on a thoroughfare or parking facility;

‘ACROD sticker’ has the meaning given to it by the Code;

‘Carriageway’ means a portion of thoroughfare that is improved, designed or ordinarily used for vehicles and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the parking of vehicles; and where a thoroughfare has two or more of those portions divided by median strip, the expression means each of those portions separately;

‘CEO’ means the Chief Executive Officer of the local government or a person authorised by him or her;

'Code' means the *Road Traffic Code 2000*;

'District' means the district of the Local Government;

'Driver' means any person driving or in control of a vehicle;

'Emergency Vehicle' has the meaning given to it in the Code;

'Footpath' means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;

- (a) intended for the use by pedestrians only, or in the case of a dual use path, for the use of pedestrians and bicyclists; or
- (b) habitually used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

'GVM' has the meaning given to it in the Code;

'Local Government' means the Shire of Mundaring;

'Nature Strip' means an area between a carriageway and the front boundary of adjacent land, but does not include a footpath;

'No Parking Area' means:

- (a) a portion of carriageway to which a 'no parking' sign applies;  
or
- (b) an area to which a 'no parking' sign applies;

'No Parking Sign' means a sign with the words 'no parking' in red letters on a white background, or the letter 'P' within a red annulus and a red diagonal line across it on a white background;

'Owner' where used in relation to a vehicle, means a person who is the registered holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or if the vehicle is not licensed under the Act, the person who owns the vehicle or is entitled to its possession; and where used in relation to land has the meaning given to it by the Act;

'Park' in relation to a vehicle, means to permit a vehicle, whether attended or not, to remain stationary for any period of time except for the purpose of –

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any law when the vehicle is being driven;
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*);

'Parking Region' means the area described in the First Schedule;

'Parking Area' means

- (a) a portion of carriageway to which a 'Permissive Parking' sign applies; or

(b) an area to which a 'Permissive Parking' sign applies;

'Parking Stall' means a section or part of a thoroughfare or of a parking facility which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

'Permissive Parking Sign' has the meaning given to it in the Code;

'Public Place' means any place to which the public have access whether or not that place is on private property;

'Reserve' means any land –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

'Road Traffic Act' means the *Road Traffic Act 1974*;

'Sign' includes a traffic sign, inscription, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

'Special Purpose Vehicle' means-

- (a) a vehicle being driven by a member of the Police Force (other than a police officer) on official duty or that vehicle when it is stationary at any place connected with the official duty;
- (b) a public utility service truck;
- (c) a tow truck;
- (d) a motor break-down service vehicle;
- (e) a vehicle being used by a governmental or local authority in connection with its roadwork or speed zoning functions; or;
- (f) a vehicle duly authorised as a special purpose vehicle for the purposes of these regulations, by the Director General,

but does not include an emergency vehicle;

'Symbol' includes any symbol specified by Australian Standard 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulating of parking and any reference to the wording of any sign in the Local Law shall be also deemed to include a reference to the corresponding symbol;

'Thoroughfare' has the meaning given to it in the Act; and

'Vehicle' includes every conveyance not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels or tracks by any means.

- (2) For the purpose of the application of the definitions 'No Parking Area' and 'Parking Area' an arrow inscribed on a traffic sign erected at an angle to the

boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the sign were turned at an angle of less than 90 degrees until parallel with the boundary.

- (3) Unless the context otherwise requires, where a term is used, but not defined, in the Local Law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or Code.

### **1.5 Part of Thoroughfare To Which Sign Applies**

Where under this Local Law a sign controls the parking of vehicles in a thoroughfare, the sign shall be read as applying to that part of the thoroughfare which –

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

### **1.6 Pre-existing Signs**

A sign that -

- (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this Local Law; and
- (b) relates to the parking or stopping of vehicles within the parking region, shall be deemed for the purposes of this Local Law to have been erected by the local government under the authority of this Local Law.

### **1.7 Classes of Vehicles**

For the purpose of this Local Law, vehicles are divided into classes as follows -

- (a) buses and public buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

## **Part 2 – PARKING GENERALLY**

### **2.1 Prohibition and Regulation of Parking By Signs**

The local government may by resolution prohibit or regulate by signs or otherwise the parking of any vehicle in any part of the parking region but must do so consistently with the provisions of this Local Law.

### **2.2 Restrictions on Parking in Particular Areas**

- (1) A person shall not park a vehicle on a thoroughfare or part of a thoroughfare –
  - (a) if by a sign it is set apart for the parking of vehicles of a different class;
  - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class;
  - (c) during any period when the parking of vehicles is prohibited by a sign;
  - (d) the side of which is marked with a continuous yellow edge line;
  - (e) other than wholly within a parking stall if the part of the thoroughfare upon which the vehicle is standing or parked is provided with parking stalls.
- (2) A person shall not park a vehicle –
  - (a) in a no parking area;
  - (b) in a parking area, except in accordance with any sign applicable to the parking area and the provisions of this Local Law;
  - (c) in a stall marked 'M/C' unless the vehicle is a motorcycle or a bicycle.
- (3) A person shall not, without the prior permission of the local government, the CEO, or an Authorised Person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

### **2.3 Parking Vehicle on a Carriageway**

- (1) A person parking a vehicle on a carriageway shall park it –
  - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or between the vehicle and a vehicle parked on the farther side of the carriageway;
  - (d) so that it is not less than 1 metre from any other vehicle, except a motorcycle, or a bicycle parked in accordance with this Local Law;
  - (e) so that it does not obstruct any vehicle on the carriageway; and
  - (f) so that it is entirely within the confines of any parking stall marked on the carriageway,unless a sign or markings on the carriageway indicate otherwise.

## **2.4 When parallel and right-angled parking apply**

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles must park in a different position, where the parking area is:

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

## **2.5 When angle parking applies**

- (1) Subject to sub-clause (2), where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.
- (2) This clause does not apply to:
  - (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
  - (b) a person parking either a motor cycle without a trailer or a bicycle.

## **2.6 General Prohibitions on Parking**

- (1)
  - (a) Sub-clause (2) shall not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.
  - (b) Paragraphs (c), (e) and (h) of subclause (2) do not apply to a vehicle parked in a bus embayment.
- (2) A person shall not park a vehicle so that any portion of the vehicle is –
  - (a) between any other stationary vehicles and the center of the carriageway or thoroughfare upon which the vehicle is parked, unless the driver is stopped in traffic;
  - (b) on or adjacent to a median strip;
  - (c) obstructing a right of way, private driveway or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private driveway or carriageway;
  - (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
  - (e) on or within 9 metres of any portion of a carriageway bounded on one or both sides by a traffic island;
  - (f) on any footpath or pedestrian crossing;
  - (g) on a bridge or other elevated structure or within a tunnel or underpass;

- (h) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
  - (i) on a intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
  - (j) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
  - (k) within 3 metres of a public letter box, unless the vehicle is being used for the purposes of collecting postal articles from the letter box;
  - (l) within 10 metres of the nearest property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked;
  - (m) in a taxi zone, unless the vehicle is a taxi;
  - (n) in a bus zone, unless the vehicle is a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone;
  - (o) in a loading zone, unless the vehicle is a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods, and provided the vehicle does not remain in the loading zone for longer than the time indicated on the 'loading zone' sign or for longer than 30 minutes if no time is indicated on the sign; or
  - (p) in a cul de sac so as to obstruct the turning of vehicles within the cul de sac,  
unless a sign or markings on the carriageway indicate otherwise.
- (3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of –
- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
  - (b) a pedestrian crossing or children's crossing established on a thoroughfare.
- (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of –
- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
  - (b) a pedestrian crossing or children's crossing established on a thoroughfare.

## **2.7 Parking on Nature strips**

- (1) A person shall not –
- (a) park a vehicle;
  - (b) park a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or

- (c) park a vehicle during any period when the parking of vehicles on that nature strip is prohibited by a sign adjacent and referable to that nature strip,  
so that any portion of it is on a nature strip.
- (2) Subclause 1(a) does not apply to the person if he or she is an owner or occupier of the premises adjacent to that nature strip, or is a person authorised by the occupier of those premises to park the vehicle so that any portion of it is on the nature strip.
- (3) Subclause 1(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the nature strip on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath.

## **2.8 Parking on a carriageway - heavy and long vehicles**

- (1) A person shall not park a vehicle or any combination of vehicles that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5m or more in length or exceeds a GVM of 4.5 t on a carriageway for any period exceeding 1 hour.
- (2) Nothing in this clause modifies any limitation or condition imposed by any other provision of this local law or sign relating to the parking or stopping of vehicles.

## **2.9 Authorised Person May Order Vehicle on Thoroughfare to be Moved**

The driver of a vehicle shall not park a vehicle on any part of a thoroughfare in contravention of this Local Law after an Authorised Person has directed the driver to move it.

## **2.10 No Parking of Vehicles Exposed for Sale and in Other Circumstances**

A person shall not park a vehicle on any portion of a thoroughfare –

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

## **2.11 Parking on Private Land**

- (1) In this clause a reference to 'land' does not include land –
  - (a) which belongs to the local government;
  - (b) of which the local government is the management body under the *Land Administration Act 1997*; or
  - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act.



- (2) A person shall not park a vehicle on land without the prior consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

## **2.12 Parking on Reserves**

No person, other than an employee of the local government in the course of his or her duties or a person authorised by the local government, shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

## **2.13 Suspension of Parking Limitations for Urgent, Essential or Official Duties**

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare, the local government, the CEO or an Authorised Person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or an Authorised Person may prohibit the use by any other vehicle of that portion of the thoroughfare to which the permission relates, for the duration of that permission.

## **2.14 No movement of vehicles to avoid time limitation**

Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least one hour.

## **2.15 Permissive parking signs**

A driver shall not park continuously on a length of carriageway, or in an area, to which a permissive parking sign applies, for longer than –

- (a) the period indicated by information on or with the sign; or
- (b) if the driver's vehicle displays an ACROD sticker or either the driver or the passenger in that vehicle is a person with disabilities twice the period indicated by information on or with the sign.

## **Part 3 – MISCELLANEOUS**

### **3.1 Removal of Notices on Vehicle**

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an Authorised Person.

### **3.2 Unauthorised Signs and Defacing of Signs**

A person shall not without the authority of the local government –

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this Local Law.

### **3.3 Signs must be Complied With**

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this Local Law.

### **3.4 General Provisions About Signs**

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

### **3.5 Special Purpose and Emergency Vehicles**

Notwithstanding anything to the contrary in this Local Law, the driver of –

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
- (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do or where he or she honestly and reasonably believes that it is expedient and safe to do, stop, or park the vehicle at any place, at any time.

### **3.6 Vehicles not to Obstruct a Public Place**

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) For the purposes of sub-clause (1):

- (a) a vehicle which is parked in any portion of a public place where vehicles may not lawfully be parked is deemed to be causing an obstruction;
- (b) a vehicle that is parked in any portion of a public place where vehicles may lawfully be parked does not cause an obstruction, unless –
  - (i) the vehicle is so parked for any period exceeding 24 hours, without the consent in writing of the CEO or an Authorised Person; or
  - (ii) the vehicle is so parked during any period in which the parking of vehicles is prohibited or restricted by a sign.

### **3.7 Marking of Tyres**

- (1) An Authorised Person may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for any purpose connected with or arising out of that Authorised Person's duties and powers.
- (2) A person shall not remove a mark made by an Authorised Person so the purpose of the affixing of such mark is defeated or likely to be defeated.

## Part 4 – PENALTIES

### 4.1 Offences and Penalties

- (1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this Local Law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of the Second Schedule directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

### 4.2 Form of Notices

For the purposes of this Local Law –

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the Third Schedule;
  - (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in the Third Schedule;
  - (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in the Third Schedule; and
  - (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in the Third Schedule.
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## **FIRST SCHEDULE**

### **PARKING REGION - PARKING LOCAL LAW 2009**

The parking region is the whole of the district, excluding the following portions:

- (1) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
  - (2) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
  - (3) any thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking on that thoroughfare has been delegated by the Commissioner of Main Roads to the local government.
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## SECOND SCHEDULE

### PRESCRIBED OFFENCES - PARKING LOCAL LAW 2009

Item No.	CLAUSE No.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2(1)(a)	Parking on thoroughfare set apart for vehicles of a different class	100
2	2.2(1)(b)	Parking on thoroughfare set apart for persons of a different class	100
3	2.2(1)(c)	Parking on thoroughfare during a prohibited period	100
4	2.2(1)(d)	Parking on thoroughfare marked with continuous yellow edge line	100
5	2.2(1)(e)	Parking on thoroughfare other than wholly within parking stall	100
6	2.2(2)(a)	Parking in a no parking area	100
7	2.2(2)(b)	Parking in a parking area otherwise than in accordance with signs	100
8	2.2(2)(c)	Parking a vehicle other than a motorcycle or bicycle in stall marked M/C	100
9	2.2(3)	Parking in authorised vehicles area without authorisation	100
10	2.3(1)(a)	Failing to park on the left of two-way carriageway	100
11	2.3(1)(b)	Parking against the flow of traffic	100
12	2.3(1)(c)	Parking when distance from farther boundary less than 3 metres	100
13	2.6(2)(c)	Obstructing right of way, driveway or carriageway	100
14	2.6(2)(a)	Parking between stationary vehicle and centre of carriageway	100
15	2.6(2)(e)	Parking within 9 metres of traffic island	100
16	2.6(2)(f)	Parking on footpath/pedestrian crossing	100
17	2.6(2)(g)	Parking on bridge or in tunnel	100
18	2.6(2)(i)	Parking on intersection	100
19	2.6(2)(l)	Parking within 10 metres of intersection	100
20	2.6(2)(m)	Parking within taxi zone	100
21	2.6(2)(n)	Parking within bus zone	100
23	2.6(2)(o)	Parking in a loading zone	100
24	2.6(2)(p)	Parking in cul de sac so as to cause obstruction	100
25	2.6(3)	Parking within 10 metres of departure side of bus stop, pedestrian crossing or children's crossing	100
26	2.6(4)	Parking within 20 metres of approach side of bus stop, pedestrian crossing or children's crossing	100
27	2.7(1)(c)	Parking on nature strip contrary to sign	100
28	2.8(1)	Parking a overweight or over length vehicle on carriageway in excess of 1 hour	100
29	2.9	Parking contrary to direction of Authorised Person	100
30	2.11	Parking on private land without consent	100
31	2.11(3)	Parking on private land not in accordance with consent	100
32	2.12	Driving or parking on reserve	100
33	2.14	Moving vehicle to avoid time limitation	100
34	2.15	Parking on carriageway contrary to permissive parking sign	100
35	3.6(1)	Leaving vehicle so as to obstruct a public place	100
36	3.7	Removing mark made by authorised person on tyre	100
37	4.1	All other offences not specified	100

**THIRD SCHEDULE  
LOCAL GOVERNMENT ACT 1995**

**FORM 1**

**PARKING LOCAL LAW 2009  
NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

Date: .....

To: *(name of owner of vehicle)*.....

of *(address of owner of vehicle)* .....

It is alleged that on *(date)* ..... At *(time)* ..... am/pm, at

*(place)* .....your vehicle *(licence plate number)* .....

*(make)* ..... *(type)* .....

was involved in the commission of the following offence – .....

.....

.....

.....

.....  
contrary to clause ..... of the **Parking Local Law 2009**.

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless -

- (a) within 28 days after being served with his notice you;
  - (i) inform the Chief Executive Officer, or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed, and
  - (ii) satisfy the Chief Executive Officer or an authorised person that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or
- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

.....  
Signature of Issuing Officer

.....  
Name and Title of Issuing Officer



THIRD SCHEDULE  
LOCAL GOVERNMENT ACT 1995

FORM 2

PARKING LOCAL LAW 2009

INFRINGEMENT NOTICE

Serial No.....

Date: .....

To: *(name of owner of vehicle)*.....

of *(address of owner of vehicle)* .....

It is alleged that on *(date)* ..... At *(time)* ..... am/pm, at

*(place)* .....in respect of vehicle *(licence plate number)* .....

*(make)* ..... *(type)* .....

You committed the following offence:

.....  
.....  
.....

contrary to clause ..... of the **Parking Local Law 2009**.

The modified penalty for the offence is \$.....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at the Shire Administration Centre, 7000 Great Eastern Highway, Mundaring between the hours of 8.30am and 4.00pm, Monday to Friday, Public Holidays excepted within a period of 28 days after giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

.....  
Signature of Issuing Officer

.....  
Name and Title of Issuing Officer

\_\_\_\_\_



**THIRD SCHEDULE  
LOCAL GOVERNMENT ACT 1995**

**FORM 3**

**PARKING LOCAL LAW 2009**

**INFRINGEMENT NOTICE**

Serial No.....

Date: .....

(name of owner of vehicle)

To: .....

(address of owner of vehicle)

of: .....

It is alleged that on ...../...../..... at ..... am / pm at .....

(licence plate number)

(make)

In respect of vehicle .....

(type)

You committed the following offence: .....

.....  
contrary to Clause ..... of the **Parking Local Law 2009**.

The modified penalty for the offence is \$.....

If you do not wish to have a complaint of the above offence heard and determined by a court, you may pay the modified penalty to an authorized person at the Shire Administration Centre, 7000 Great Eastern Highway, Mundaring between the hours of 8.30am and 4.00pm, Monday to Friday, Public Holidays excepted within a period of 28 days after the date of the service of the notice.

Unless within 28 days after being served with this notice you –

(a) you pay the modified penalty; or

(b) you;

(i) inform the Chief Executive Office or an authorised person of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the above offence is alleged to have been committed; or

(iii) satisfy the Chief Executive Officer or an authorised person of the Shire of Mundaring that the above vehicle had been stolen or was being unlawfully used at the time of the above offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence your hold being suspended without your knowledge.

.....  
Signature of Issuing Officer

.....  
Name and Title of Issuing Officer

**THIRD SCHEDULE  
LOCAL GOVERNMENT ACT 1995**

**FORM 4**

**PARKING LOCAL LAW 2009**

**WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No.....

Date: .....

(name of owner of vehicle)

To: .....

(address of owner of vehicle)

of: .....

Infringement Notice No. .... Dated ..... / ..... / .....

(licence plate number)

(make)

In respect of vehicle .....

(type)

.....

For the alleged offence of .....

.....

.....

has been withdrawn.

The modified penalty of \$ .....

- Has been paid and a refund is enclosed.
- Has not been paid and should not be paid.
- Delete as appropriate.

.....  
Signature of Issuing Officer

.....  
Name and Title of Issuing Officer

\_\_\_\_\_

Dated 27 May 2009

The Common Seal of the Shire of Mundaring was hereunto affixed by authority of Council\*.

J. THROSSELL, Chief Executive Officer.

T. PASHLEY, Authorised Officer.

\* pursuant to clause 4.8(1) and (5) of the  
*Shire of Mundaring Standing Orders Local Law.*