



Parking, the law and you

Your guide to
parking laws
in Victoria

Your guide to parking laws in Victoria

Parking laws make our roads safer and give everyone a fair chance to get a parking spot. This booklet explains common parking laws in Victoria. Keep it in your glove box for easy reference or use it to work out what to do next if you get a parking fine.

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This booklet deals with the rules for people driving private vehicles. If you drive a public bus, mini bus or taxi, some exceptions to these rules may apply.

To read all Victoria's parking laws, see the *Road Safety Road Rules 2009 (Vic)*. You can find this under the 'Statutory rules' section of 'Victorian law today' at www.legislation.vic.gov.au

Find out more at...

www.victorialawfoundation.org.au

Parking laws: what do I need to know?



This section explains some common parking laws. To park correctly and avoid a fine, it's important to be familiar with these Road Rules.

Parking correctly

There are some rules to help everyone park correctly.

- Keep left wheels close to the kerb.
- Leave at least one metre between your car and others, unless parking in a parking bay.
- Always park facing the same way as the direction of the traffic on your side of the road.
- Don't obstruct traffic or pedestrians.
- When parking at an angle, always park within the markings. If there are no markings or no sign showing the angle, then park at 45 degrees. If you are parked at an angle on the side of the road, the back of your car should be nearest the road.
- If signs allow parking in the centre of the road then you must drive in and out forwards; you can't reverse (unless a sign says you can).
- Always park between the marked lines of a parking bay.
- Don't forget to turn off the engine, put the brake on, lock the ignition and remove the key.



Always be aware of other drivers, cyclists or pedestrians when opening your car door.

Motorbikes, scooters and bikes

You can park motorbikes and scooters on the footpath or the nature strip as long as they're not obstructing pedestrians and drivers and there is no sign that says you can't. They can also be parked at an angle in parallel parking areas.

You can park your bicycle anywhere as long as it's safe, it's not in anyone's way, and there is no sign that says you can't.

Heavy and long vehicles

A heavy vehicle has a gross vehicle mass (GVM) of 4.5 tonnes or more. (GVM is the maximum loaded mass of a vehicle.) A long vehicle is 7.5 metres or longer, including load or projection.

Outside a built-up area like a suburb or town, don't park a heavy or long vehicle on the road unless:

- you park on the road shoulder, which is the sealed or gravel area to the left of the traffic lane, or
- you park in an emergency stopping lane (only in an emergency).

You can't park a heavy or long vehicle in a built-up area for longer than an hour, unless:

- a sign or road marking says you can
- you're picking up or dropping off goods – not just waiting to load or unload.

If you are driving a vehicle over 12 tonnes GVM and you stop where you are not visible for at least 200 metres in all directions, you must display three portable warning triangles.

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Nature strips, footpaths and bike paths

You can't stop on a:

- bike path
- footpath
- shared path
- dividing strip
- nature strip next to a road in a built-up area like a suburb or town.

Bikes are excluded, and motorbikes are excluded as long as they're not in the way of pedestrians or other vehicles.

Bridges and tunnels

Don't park on a bridge, causeway, ramp or tunnel that's narrower than the rest of the road. This is dangerous for passing cars.

Obstructions

Don't park near something that's obstructing

traffic, such as a work site or something that's fallen off a vehicle onto the road.

Places you can't stop

You should never stop in the following places, unless a sign specifically says you can. Never park:

- within three metres of the dividing line, unless it's a broken line. (If there is no continuous dividing line then you must leave at least three metres of road clear for other vehicles to pass)
- double-parked (parallel parked next to another parked car)
- where a road marking says 'keep clear'
- at an intersection with traffic lights
- on freeways (except in an emergency stopping lane in an emergency)
- across a lane or private driveway (you can park here for up to two minutes if you're

Keeping your distance

For safety reasons you can't stop close to the following road features and signs, unless a sign specifically says you can. The table opposite shows how many metres you need to keep before and after some common road features.



Sign or road feature	Before (metres)	After (metres)
Australia Post mail box	3	3
Bike crossing with lights	10	3
Bus stops	20	10
Children's crossings	20	10
Fire hydrants	1	1
Intersection with traffic lights	20	20
Intersection without traffic lights	10	10
Level crossings	20	20
Pedestrian crossings (not at intersections)	20	10
Safety zones	10	10
Tram stops	20	–

> Parking laws: what do I need to know?

dropping off or picking up passengers and don't leave your car)

- on the wrong side of the road
- on a footpath or nature strip (motorbikes and bikes excluded, as long as they're not obstructing pedestrians and drivers)
- in a bus lane, tram lane or truck lane
- next to a continuous yellow line on the edge of the road
- on curves or hill tops outside suburbs or towns, unless your car is visible for 100 metres from behind
- with any part of your vehicle in a place you are not allowed to park. Even if only the front of your car is in a no stopping area, you are breaking the law.

If you're parked in the wrong place because of an emergency, to avoid a collision, or because your car has broken down, put your hazard lights on to warn other drivers.

- Heavy or long vehicles (see page 3) can't park for longer than one hour on a road in built-up areas like suburbs and towns. Only drivers picking up or dropping off goods or with a permit from the council can stay longer. Note: you must actually be dropping off or picking up goods – you can't just be waiting to load or unload.
- Don't stop or park within 20 metres before a tram stop, unless a sign says you can.
- When you run out of time in one spot, you can't just move your car into the spot next to it. You have to move your car off the length of road or out of the area that the parking sign applies to.

New parking laws

Some new parking laws came into effect in Victoria in 2009. Get to know these new Road Rules to make sure you park correctly and avoid getting a fine. You must follow these rules unless a sign says otherwise.

- Don't park in a slip lane or stop on a painted island. (A slip lane is an area of road for vehicles turning left. It is marked by a painted island or a traffic island.)
- When parking, keep at least three metres of road between your car and a continuous dividing line, unless the dividing line is broken. If the dividing line is broken or there is no line, make sure three metres of road is clear for other cars to pass.

Parking signs: what do they mean?



This section helps you understand some common parking signs. Make sure you look for signs when you park; there may be more than one. The best way to park safely and avoid a parking ticket is to read signs carefully, from top to bottom.

Common parking signs

Get to know these important parking signs.

No parking

This sign lets you stop here for up to two minutes (or the time limit shown on the sign) to pick up or drop off passengers or goods. You must stay within three metres of your car. Note: disabled permit holders may park here for five minutes.



No stopping

This sign means that you can't stop here, even briefly. The same applies if there's a continuous yellow line on the edge of the road.



Clearways

You can't stop in a clearway unless you're:

- a public bus or a mini bus dropping off or picking up passengers
- a taxi dropping off or picking up passengers.



Tow away

If you park here during the times on the sign, your car will be towed away. You will have to pay a fine and you'll have to pay extra (such as the cost of towing and storing your car) to get your car back.

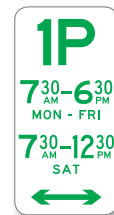


Time limits

The P stands for parking, and the number tells you how long you can park here. This sign says one hour (1P) and the small letters at the bottom show the time of day this applies.

This sign says that between 7.30am and 6.30pm Monday to Friday and between 7.30am and 12.30pm Saturday you can't park here for longer than one hour. You can park for longer outside of that, but check there are no other signs that affect how long you can park (such as a clearway sign).

You can't just buy another ticket or feed the meter once you've reached one hour. You're still breaking the law if you leave your car in this area longer than the sign allows.



> Parking signs: what do they mean?

Special zones

There are some zones where you may not be able to park, or where you need to display a permit from your local council. Make sure you read the sign carefully from top to bottom to get all the information you need.

Disabled parking

This sign means you need a special disabled parking permit to park here. The council issues two types of disabled parking permits: blue and white, and green and white. This sign means you need a blue and white one to park here. Green and white disabled parking permit holders can't park here but they can park in ordinary parking spaces for twice as long.



All permits must be displayed at the left side or centre of your front windscreen with your permit number and expiry date visible from the outside. Also, be prepared to give your name and address, and show your driver licence to the police or a parking inspector if requested.

Loading zones

This sign means you can't stop here unless you're:

- a taxi or public bus dropping off or picking up passengers
- a truck over 4.5 tonnes dropping off or picking up goods
- a courier or delivery vehicle with a permanent sign that says it's a courier or delivery vehicle
- a load-carrying vehicle (i.e. not a sedan, station wagon or motorbike) dropping off or picking up goods and with the proper VicRoads identification label.



You can't park for longer than 30 minutes (or the time limit on the sign).

Mail zones

This sign means that only on-duty postal officers can stop here.



Permit zones

This sign means that you need a special permit to park here. Local residents can apply to the council for a special resident's permit and usually pay an annual fee. Your permit only lets you park in a particular area; you can't park in other permit zones.



Safety zones

Safety zones around tram stops allow passengers to get on and off safely. You can't stop within 10 metres before or after a safety zone sign, unless a sign says you can.



Special vehicles

This sign means only public buses can stop here. There are other signs that say the same for taxis, trucks and minibuses.



Works zones

This sign means you can't stop here unless you're driving a vehicle used in construction work in the works zone.



Parking fines: what do I need to know?



If you don't follow the parking laws you could get a parking fine. This section answers frequently asked questions about parking fines and advises what to do if you get one. Never ignore a parking ticket, even if you think it's not fair.

Who is allowed to issue a parking ticket?

Only authorised people can issue parking tickets. These include police officers, some council officers and other people authorised by the local council. Some VicRoads officers are authorised to issue tickets.

If you are issued a ticket by an authorised person, that person should be able to show you their identity card if requested. The card should show the person's photo, signature and the signature of the authorising officer.



**Parking officers
are authorised by
the local council**

What if my ticket was issued by a private company?

Private companies operate some car parks, often ones attached to shopping centres. A ticket from a private company is not the same as a fine from the council and is handled differently.

The Consumer Action Law Centre provides a free fact sheet on dealing with parking tickets from private companies.

The fact sheet, 'FS31: Private parking fines', is available under 'fact sheets' at www.consumeraction.org.au

How much are parking fines?

There are different types of parking fines. Rates vary depending on the council, and how the law has been broken. The parking fine notice will show exactly how much you owe.

Parking fine amounts change each year. For more details, see the Road Safety Act (Vic). You can find this under 'Victorian law today' at www.legislation.vic.gov.au

Can they move my car?

If the police or council think your car is parked in a dangerous place or could block traffic, they can tow away your car. Police can use force to get into your car and move it if they need to.

Keeping the city moving

Kosmo is a Parking Enforcement Officer with the City of Melbourne. He enjoys his work keeping the city moving.

“When we walk around the city, we get all kinds of questions from people. We get a lot of questions about parking rules, and we’re always happy to explain them or the signs.

Sometimes tourists ask us for directions; people even ask us to recommend a good restaurant in the area. We’re always happy to help.

Parking laws are all about giving everyone a fair chance to park in the city. If there were no time limits, one person might stay in the same spot all day. When the rules are properly enforced it’s fairer for everyone. That way, everyone has an equal chance to find a parking spot, even in a busy part of the city.

If we see someone breaking a parking rule, we prefer to explain the problem and ask them to move their car. We don’t issue a parking ticket unless the driver’s not there or refuses to move their vehicle. Our main aim is to keep the city moving.

People often don’t realise that many parking laws are there to keep people safe. For example, No Stopping signs are really important. They are usually in places where it’d be dangerous to park, such as between driveways or on the corners of intersections.

My advice to people tempted to try to get away with parking in the wrong place or overstaying their time limit is to think of others. We all know how frustrating it is when we can’t find a place to park, and we all benefit when people do the right thing.”

I don’t think I should have to pay the fine. What should I do?

If you don’t think you should have to pay the fine, you may want to contact the council who issued the fine. You may not have to pay the fine if:

- the ticket machine or meter was broken (see below)
- you weren’t driving the car (see page 16).
- you parked illegally because of serious circumstances beyond your control (see page 16)
- you were parked legally.

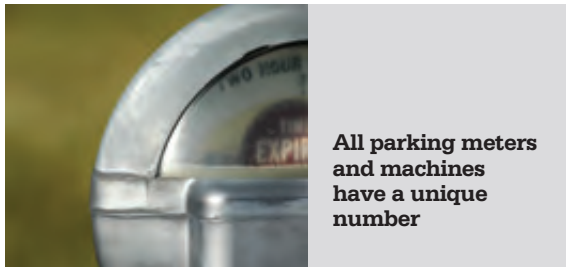
If you think you shouldn’t have to pay and you can show why, you should:

- Find out who issued the fine. This information should be written on the infringement notice.
- Contact the council that issued the infringement notice and they will tell you what you need to do. They may ask you to write a letter (this will depend on the council).
- In your form or letter, you’ll need to explain why you shouldn’t have to pay the fine. For example, if the meter was broken, include the meter’s location and number.
- Submit your form or letter to the council that issued the fine. You’ll need to submit the form within 28 days of receiving your parking fine to avoid being charged extra costs.
- Get help if you need it – see page 26 for those who can help.

If the ticket machine or meter was broken

Even if a ticket machine or meter is broken, you still have to obey the signs. If you’re parked in a restricted time area (e.g., with a 1P or 2P sign), you must move your car when the

> Parking fines: what do I need to know?



time is up, even if you weren't able to buy a ticket to prove when you got there. A parking officer can still give you a parking fine if your car has been in a spot for longer than the allowed time.

If the ticket machine or meter was broken and you received a fine for parking at an expired meter or machine, or for not paying the parking fee, don't ignore it. Record the number on the broken machine or meter and your location. For more information on what to do, see 'I don't think I should have to pay the fine. What should I do?' on page 13.

If you weren't driving the car

If the car is registered in your name, you'll receive the fine. Don't ignore it, even if you weren't driving the car. Contact the council that issued the ticket and ask them how you can nominate the person who committed the offence.

If you provide false or misleading information when you nominate another driver, and you know it is false or misleading, the police can take you to court and you may be fined up to \$7,167.

If you parked illegally for reasons beyond your control

You might have parked illegally for reasons beyond your control. Your fine may be withdrawn if you can show you stopped:

- to avoid a collision

- because your car broke down
- to deal with a medical emergency or because someone else's car broke down
- because it would be unsafe not to
- to comply with another road rule.

You must also show that you did not stop for longer than was necessary.

If the reasons above don't apply to your situation, you may be able to show that there were 'exceptional' circumstances. It is up to the council to decide whether your situation counts as 'exceptional' or not. Running late for an appointment is not an 'exceptional' circumstance.

Councils may cancel the fine if, for example:

- the circumstances were serious, beyond your control and
- you have good written evidence.

For more information on what to do, see 'I don't think I should have to pay the fine. What should I do?' on page 13.

If you have a mental or intellectual illness, disability or disorder, or you are seriously addicted to drugs or alcohol, you may also apply to have the fine cancelled. These reasons are considered 'special circumstances'. You will need to show that, because of your condition, you couldn't understand that your behaviour was against the law or you couldn't control your conduct.

If you are homeless, special circumstances may also apply. You will need to show that, because you were homeless, you couldn't control your conduct.

It's a good idea to get legal help if any of these circumstances apply to you. Contact Victoria Legal Aid or your nearest community legal centre. See page 26 for contact details.



It pays to respond quickly

Toby parked in the city and got a fine. He would have moved his car, but he had locked his keys inside. He didn't think he deserved a fine, so he acted on it straight away.

“It all started when I drove into the city for a job interview. I was parked legally, but I was only meant to be there for one hour.

Unfortunately, I was so busy thinking about the job interview that I locked my keys in the car. There was no time before the interview to call the RACV – plus I thought I'd be out of the interview in time. However, I'd also managed to lock my mobile phone in the car, so after the interview, I had to go looking for a pay phone.

By the time I called the RACV and got back to my car, it was after 4pm. My car was now parked in a clearway zone. Of course, I got a parking ticket. When the RACV officer came to help me, I told him what had happened. He wrote me a note to prove that I really had locked my keys in the car.

By the time I called the RACV and got back to my car, it was after 4pm. My car was now parked in a clearway zone. Of course, I got a parking ticket.

The week after this happened, I wrote a letter to the council that had issued the fine, and included the note from the RACV as proof. My letter included the Infringement Notice number, which was printed on my parking ticket, and my car registration number. A few weeks later, the council wrote to say my fine had been cancelled.”

What if I don't have the money?

If you are having trouble paying, contact the council that issued the ticket before the due date. You can apply for extra time to pay or to pay by instalments. These options may apply if you have a:

- Centrelink Pensioner Concession card
- Veterans' Affairs Concession card or Gold card
- Centrelink Health Care card.

If you don't have one of these cards you may still qualify for alternative payment options. You'll need to provide details about your financial circumstances.

Failing to respond: the consequences



You initially have 28 days to pay your parking fine or to contact the council and follow the steps it needs you to take. The due date of the fine is on your parking ticket. Read on to see what will happen if you don't respond, and what you should do.

What happens if I don't pay?

- 1.** If you don't pay or respond to your fine within 28 days, you will receive a penalty reminder notice and you will have to pay extra costs.
- 2.** You have another 28 days to pay or contact the council to discuss your options. If you still don't respond, the council may register the matter with the Infringements Court. The court will issue an enforcement order against you and you will have to pay extra costs on top of those you already owe.
- 3.** You have another 28 days. If you still don't respond, an infringements warrant will be issued and you will have to pay even more costs.
- 4.** You now have 7 days to respond or the Sheriff can seize your personal property (including your car), your licence or registration could be suspended, or you could be arrested.

Be aware if you don't pay a fine on time the amount you owe increases.

1. You receive a penalty reminder notice – the fine increases

If you don't pay or respond to your fine within 28 days, you'll receive a penalty reminder notice and then have to pay the original fine plus an extra amount. You have another 28 days to do this.

Your options at this stage

If you've received a penalty reminder notice, and you don't think you should have to pay the fine, or you need more time to pay, you can still contact the council that issued the fine to ask for a payment plan or ask them to review their decision to issue an infringement notice (this is called an 'internal review'). See 'I don't think I should have to pay the fine. What should I do?' on page 13. Otherwise, you'll need to pay the fine and penalty reminder notice fee within 28 days.

2. You receive an enforcement order – the fine increases again

Once you receive an enforcement order you can no longer contact the council that issued the fine as the matter is now with the Infringements Court.

Your options at this stage

At this stage you have three options:

- pay the fine
- apply for more time to pay or to pay by instalments
- apply to have the enforcement order revoked (withdrawn).

> Failing to respond: the consequences

Applying for more time

If you need more time to pay, you can apply for a payment order, available at www.fines.vic.gov.au

Fill out this form. Include details of concession cards, if appropriate, and details about your financial situation.

Post the form to:

The Infringements Registrar
Infringements Court
PO Box 14487
Melbourne VIC 8001

Applying to have the enforcement order revoked

If you don't believe you should have to pay the fine, you can apply to the Infringements Court to have the enforcement order revoked (withdrawn).

If the court revokes the enforcement order, that doesn't mean the infringement is cancelled. It just means that they have sent it back to the council. The council will decide whether to cancel the infringement notice, or send the matter to the Magistrate's Court to be heard by a magistrate.

Contact Victoria Legal Aid or your nearest community legal centre to find out if you are eligible to apply for 'revocation', and for help making the application. See page 26 for contact details.

You should:

- get an 'application for revocation' form at www.fines.vic.gov.au
- fill out the form. You'll need supporting documents – for example, if your application refers to a medical condition, you will need a letter from your doctor. If you can't fill out the form yourself, get someone else, like a case worker, to do it for you. See page 26 for the

contact details of those who can help.

You can post the form to:

The Infringements Registrar
Infringements Court
PO Box 14487
Melbourne VIC 8001

Or, you can take it in person to:

Civic Compliance Victoria
Ground Floor, 277 William Street
Melbourne 3001

3. You receive an infringement warrant – the fine increases even more

If you don't respond to the enforcement order, you'll receive an infringement warrant.

Your options at this stage

At this stage you have three options:

- pay the full amount that you owe
- apply for a payment order. This is the same as at stage two. For instructions, see 'Applying for more time' on page 22.
- apply for the fine to be revoked (withdrawn). This is also the same as at stage two. For instructions, see 'Applying to have the enforcement order revoked' on page 22.

It's important to understand that if you don't respond to an infringement warrant, the Sheriff can:

- seize and sell your property, including your car
- suspend your driver licence or car registration
- put wheel clamps on your car
- arrest you.

4. You lose your personal property or you are arrested

After you receive an infringement warrant, you have seven days to respond. If you don't respond within this time, the Sheriff can seize

> Failing to respond: the consequences

and sell your property, including your car. If the sale of your property does not raise enough money to pay the total amount of your fine, Sheriff's officers have the power to arrest you.

If you are arrested under an infringement warrant, the Sheriff's officer may offer you a community work permit if you are eligible. You will have to do community work to pay off the money you owe. If you are not eligible for a community work permit, you will have to go to court.

You can find more detailed information at www.fines.vic.gov.au. However, if you are facing arrest or your belongings are being taken away, you need to get legal help immediately.



You must get legal help if you get an enforcement order or an infringement warrant. On the following page is a list of organisations that can help.

Getting more help



Parking fines can be complicated. Contact any of these organisations if you need help to:

- understand the notices you've received
- find and fill out the right forms.

If you are facing arrest or your belongings are being taken away because of unpaid fines, you need to get help quickly.

Translation

Translating and Interpreting Service (TIS)

If you need to speak to an interpreter over the phone or in person, call the Translating and Interpreting Service (TIS). TIS interpreters speak over 160 languages. This service is free.

Phone: 131 450

www.immi.gov.au/tis

Legal services

Victoria Legal Aid

Victoria Legal Aid gives free help over the phone, by video or in person at one of their offices in Victoria. You can speak to someone in English or in your own language.

Phone: 9269 0120 or 1800 677 402 (free call for country areas)

www.legalaid.vic.gov.au

Community Legal Centres

There are around 50 community legal centres (CLCs) in Victoria. CLCs provide legal information, initial advice and, in some cases, ongoing help. The Federation of Community Legal Centres can direct you to your local CLC or one that specialises in your type of problem.

Phone: 9654 2204

www.communitylaw.org.au

Private lawyers

Hiring a private lawyer can be the best option in some circumstances. A good place to start is the Law Institute of Victoria (LIV). LIV members are lawyers from across Victoria. Use their referral service and you'll get the first 30 minutes for free.

Phone: 9607 9550 (referral service)

www.liv.asn.au

Government agencies

Local Government Victoria

If you don't know which local council to speak to about your parking fine, Local Government Victoria can help.

Phone: 9651 7026

www.localgovernment.vic.gov.au

Civic Compliance Victoria

For helpful information about an enforcement order or a warrant, contact Civic Compliance.

Phone: 9200 8222

Looking for legal help?

Find legal services and easy-to-understand information at www.victorialaw.org.au



www.victorialaw.org.au find legal information & services



Do you own a dog or a cat? Thinking about getting one?

Dogs, cats, neighbours and you is your guide to the law about owning a dog or cat in Victoria.

It outlines the legal responsibilities of pet owners, and offers practical advice for dealing with problems with other people's pets.

Order your free copy – contact Victoria Law Foundation on 9604 8100 or at contact@victorialawfoundation.org.au

Also available for download at www.victorialawfoundation.org.au

“Victoria Law Foundation produces the local laws publications at arm’s length from government, helping councils provide independent information to Victorians.”

Kaye Hall

Team Leader, Community Safety Rangers
Bass Coast Shire Council



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For individual assistance with a legal problem you should seek legal advice from a lawyer. More legal information and guidance on how to find a lawyer can be found at www.victorialaw.org.au

Victoria Law Foundation

Level 5, 43 Hardware Lane

Melbourne VIC 3000 Australia

DX491 Melbourne

T 03 9604 8100 F 03 9602 2449

contact@victorialawfoundation.org.au

www.victorialawfoundation.org.au