Department of **Local Government, Industry Regulation and Safety**

GOVERNMENT OF WESTERN AUSTRALIA

ACROD Parking Policy

Monitoring & Compliance

Background

The Department of Local Government, Industry Regulation and Safety (LGIRS), previously the Department of Local Government, Sport and Cultural Industries, explored policy options to help resolve issues associated with illegal parking and enforcement in relation to ACROD parking bays. In 2020, LGIRS also strengthened enforcement of illegal parking in ACROD bays to improve access for people living with disability.

Objective: Increase access to ACROD parking for people with a valid permit, with a focus on parking bays situated on private land used for public purposes.

ACROD – Parking Policy

The Department developed policy recommendations aimed at addressing the illegal use of ACROD parking bays.

In collaboration with National Disability Services (NDS) and the Department of Communities the department worked on implementing strategies to help deal with this issue.

Policy Options: The policy recommendations put forward by LGIRS focus on:

- **Changing behaviour** and
- **Better enforcement**

Policy Initiatives

- Encourage local governments to enter into agreements with the owners of privately owned (publicly accessed) carparks, such as those in shopping centres and hospitals, to enable enforcement and compliance by local government officers.

- Parking Local Laws enable property owners to enter into agreements, however there is currently no legislative requirement to do so.

- Property owners also have the option of entering into agreements with private contractors to monitor their car bays.

Local Government Act 1995

- The *Local Government Act 1995* (WA) allows local governments to act on private land in relation to several matters, but not in relation to parking enforcement.

- While there are existing parking agreements in place, there is scope for a significant increase in the number of agreements across the WA community to help deal with the issue of illegal parking and parking availability in ACROD bays.

- LGIRS increased penalties for illegal parking in ACROD bays by amending the *Local Government (Parking for People with Disabilities) Regulations 2014*.

Case Study

LGIRS approached the Town of Claremont and the City of Joondalup to seek feedback in relation to their experience with compliance and enforcement of ACROD parking bays. Both local governments were identified as leaders in encouraging parking agreements that authorise them to monitor and enforce parking on privately owned publicly accessed land.

LGIRS highlighted the work of the Town of Claremont and the City of Joondalup in case studies designed to assist with an increase in parking agreements across all local governments.

Case Study – Town of Claremont

Background

- The Town of Claremont has a large number of residents and visitors who require ACROD parking.
- The Town has a particular focus on encouraging private carpark owners to enter into parking agreements.
- As a consequence, Claremont has a high level of parking agreements in place.
- The Town is also able to issue fine infringements **without** an agreement in place provided they have signed consent in accordance with Section 4.10(2) of the Town of Claremont *Parking Local Law 2026*.
- A signed **form 4.10** provides the Parking Officer with the legal authority to issue an infringement.

Case Study – Town of Claremont

Key Points

- The Claremont CBD is the main area of focus where parking agreements apply.
- The Town has parking agreements with Bunnings, Bethesda Hospital and a number of other privately owned publicly accessed carparks.
- Claremont has 13 parking agreements in total giving them the ability to monitor ACROD parking throughout the CBD.
- The Town approached businesses in the CBD with the offer of entering into agreements for parking services.
- The Town owns 3 carparks in the CBD, the rest are privately owned.
- Parking agreements outline the responsibilities of both parties.

Case Study – Town of Claremont

The Town of Claremont will issue fine infringements:

- Where permits are not on display;
- Obscured from view;
- Photocopied;
- Or have expired

Case Study – Town of Claremont

Key Issues:

- Photocopied ACROD permits
- Verifying that ACROD permit user is actually the permit holder
- Expired permits
- Valid permit holders not displaying their permit – fine are overturned in the first instance on appeal

Case Study – Town of Claremont

- The Town of Claremont experiences an increase in demand for ACROD parking bays and an increase in the incidence of illegal parking as a result, during the Perth Royal Show and the Caravan and Camping Show.
- The Town provides an extra 50 bays during the Royal Show. However, they still experience the same kind of issues as mentioned above even with the extra allocation.
- Fines are dropped on appeal if it is proved that the person fined is a valid permit holder. The first fine is regarded as a warning if the permit holder has forgotten their pass, displayed it incorrectly or the permit has expired within 3 months of the infringement.
- 80% of fines are withdrawn on appeal early in the year, this figure changes to around 50% later in the year with an increase in repeat offences.

Case Study – Town of Claremont

Question & Answers:

What did the Town do to encourage private owners to enter into agreements?

- *The Town sent out introductory letters and met with carpark owners face to face. In both the letters and the meetings, they outlined the benefits associated with having an agreement in place to the owners, their patrons and the wider community. After the initial agreement were signed word spread among local business and more owners signed up to parking agreements. The Town has a straight-forward parking template agreement that makes the process easy.*

What difficulties, if any, did they have in establishing the agreements ?

- *Initially the Town faced a level of resistance from property owners. There was a perception amongst some of the owners that parking misuse wasn't a significant problem to justify entering into a parking agreement with the Town.*

Case Study – Town of Claremont

Were any measures put in place to help facilitate the process?

- *Yes, the template agreement was designed to be simple yet meet legal requirements.*
- *There is flexibly within the arrangement between the Town and carpark owners.*
- *Providing assistance with signage and line marking in some circumstances – particularly with older carparks.*

Were the majority of owners keen to enter into agreements with the local government?

- *No, not initially. However, after the first contracts were signed other businesses followed suit.*
- *There was only one case where a carpark owner didn't want to sign an agreement because they were using the ACROD bays for their own purposes – they were persuaded to enter into an agreement following complaints from the public and the owners concern about attracting negative publicity.*

Case Study – Town of Claremont

How did you engage with private carpark?

- *Face to Face contact.*
- *Introductory letters.*
- *Follow-up meetings and correspondence.*

How did you achieve a high level of take-up?

- By promoting the benefits.
- Targeting private carparks – in person and by mail.
- Fostering good relationships and flexibility within the arrangement.
- Encouraging business owners to provide advance warning of events or periods when they don't want the carpark monitored or fines issued. Alternatively, encouraging carpark owners to notify the Town when they like to see an increase in the frequency or patrols.
- Allowing for parking officer discretion (for example, issuing warnings instead of fines).

Case Study – Town of Claremont

Does the Town have any agreements that just cover the monitoring of disabled bays? Is this an option?

- *No, the agreements cover all parking bays. Where there are no agreements in place the Town uses a form 4.10 – signed consent at the owner's request – for example Claremont Quarter.*
- *It takes about 10-minutes following receipt of a call for an infringement to be issued in the CBD (with a signed consent form – 4.10).*

Do the LG officers monitor street parking or are they contractors?

- *Town of Clarmont – Claremont Quarter staff monitor the ACROD parking bays and alert the Town of Claremont to anyone using an ACROD bay without a valid permit. The Town doesn't have a private parking agreement in place with Claremont Quarter however they are able to issue infringements at Claremont Quater's request using a form 4.10 – Authority to infringe vehicles under section 4.10(2) of the Town of Claremont Parking Local Law 2016 – "A person must not park a vehicle on land without the consent of the occupier of the land on which the vehicle is parked". The form 4.10 allows the Town of Claremont to issue infringements in any private carpark with the owner's consent.*

Case Study – Town of Claremont

Any tips for other local governments?

- *Use a parking template agreement that is easy to follow.*
- *Foster good working relationships.*
- *Ensure Flexibility within parking arrangements – Allow Parking Officers to exercise discretion.*
- *Good communication with carpark owners and the public.*

Does the City have many private carparks where there aren't agreements in place? If so, why?

- *Yes, only a small number that can be serviced with a form 4.10 effectively giving the Town of Claremont coverage of all carparks in their CBD.*

Case Study – Town of Claremont

Has there been a noticeable improvement in parking compliance for ACROD bays in relation to an increase in agreements?

- *Yes, a significant improvement in the incidence of parking misuse since agreements have been in place resulting in a significant decline in illegal parking in ACROD bays and improved access for people living with disability.*

Case Study – City of Joondalup

Background:

- The City of Joondalup was initially approached by Lakeside Joondalup Shopping Centre and the Joondalup Health Campus seeking assistance with parking regulation and enforcement. A parking Enforcement and Infringement Management Agreement was developed to give the City the legal authority to monitor both organisation's carparks and issue fin infringements.
- Subsequently, the City undertook a mailout campaign to carpark owners in their local government area offering parking and monitoring services. The objective of the campaign was to increase the number of agreements they have in place in publicly accessed privately owned carparks.

Case Study – City of Joondalup

Key Points:

- The City of Joondalup has parking agreements with Lakeside Joondalup Shopping Centre, Joondalup Health Campus, Hillary's Boat Harbour and North West Metropolitan TAFE.
- Parking Services manage the parking agreements including patrols, fines and appeals.
- The City keeps the revenue raised from fines.
- The City has a high rate to renewals of existing parking agreements.
- Carparks in the CBD are monitored as part of regular weekday parking patrols. Hillary’s Boat Harbour and suburban carparks have ad-hoc patrols. Most fine infringements are issued as part of these patrols with only a few issued on a compliance only basis.
- Parking agreements are confidential and vary between premises.

Case Study – City of Joondalup

Key Issues:

- Photocopied ACROD permits.
- Verifying the ACROD permit user is actually the permit holder.
- Expired permits.
- Businesses misusing disability parking bays for staff parking.
- In response to complaints lodged by the public regarding the misuse of ACROD parking bays the City can only notify the relevant business owner, they have no power to issue fine infringements where there is no parking agreement in place.
- More than 50% of fine infringements are withdrawn following an appeal from the driver where the circumstances include:
  - Valid permit holders not displaying their permit – fines are overturned on appeal.
  - Admissions to Joondalup Hospital (Emergency situations only).

Case Study – City of Joondalup

Question & Answers:

What did the City do to encourage private owners to enter into parking agreements?

- *The City undertook a mailout campaign to businesses 3-4 years ago offering parking monitoring services. Approximately 100 letters were mailed out to the owners of carparks.*

What difficulties, if any, did they have in establishing the agreements?

- *Unfortunately, there was a low response rate to the mailout. The few response letters that the City did receive declined their parking services.*

Did the City put any measures in place to help facilitate the process? (for example, preparing a template parking agreement).

- *The City has a template agreement that can be customised to make the agreement process easy. The City deals with complaint management and appeals of parking infringements. In some cases, the City has offered to upgrade signage and ACROD bays to bring them up to specification in older carparks.*

Case Study – City of Joondalup

Did the City meet any resistance?

- *There was a general reluctance by private carpark owners to take up the City's offer of parking services. Some were concerned about customer reactions, and perceptions that the local government will be targeting their premises to issue fines. The concern from some retail businesses was that this could adversely impact their businesses.*

How did the City engage with private carpark overns?

- *Initially the City of Joondalup was approached by some of the organisations that it is has parking agreements with. They maintain regular contact with each organisation to determine their needs and requirements as well as to seek direction with fine appeals. The shopping centre and the hospital will notify the City when they want to increase or decrease the frequency of parking patrols or if they have concerns with large events and busy periods like Christmas.*

Case Study – City of Joondalup

What were the key issues identified by carpark owners with respect to signing up to parking agreements?

- *Cost predominately, the perception that the cost of entering into agreements will outweigh the benefit. Carpark management also held concerns regarding public perceptions. For example, the perception that parking officers are targeting their premises and that this will lead to a public backlash impacting their businesses adversely.*

How did you achieve a high level of take-up of agreements?

- *The City doesn't have a high level of agreements over the entire local government area. The agreements that it has in place work well and are effective at reducing the rate of illegal parking. There is scope for a significant increase in the number of parking agreements it has in place. The City of Joondalup is open to increasing its number of parking agreements in alignment with a renewed focus on parking availability.*

Case Study – City of Joondalup

Does the City have any agreements that just conver the monitoring of ACROD bays?

- *No, The carparks are monitored in their entirety on a rotational basis by City of Joondalup parking officers.*

Do the LG parking officers monitor street parking?

- *As above, the local government parking officers monitor parking in the agreement areas as well as train stations, schools and the like, all covered by local parking laws. Rangers monitor verges and public spaces.*

Any suggestions that might assist buy-in with private carpark owners?

- *Keep parking template agreements simple and straightforward. • Communication – Get the message out. • Create a public register of businesses that have agreements – to establish an accepted practice / industry standard.*

Case Study – City of Joondalup

Any tips for other local governments?

- *Make the agreements attractive to carpark owners. • Communication – Notify the public of carparks that have a signed agreement with the local government.*

Were there many issues with parking by compliance before private agreements were put in place?

- *Yes, the parking agreements in the Joondalup CBD have had a significant effect at reducing the misuse of ACROD parking bays.*

Do you offer any extra concessions to ACROD permit holders beyond the minimum concessions?

- *No, however the City is aware of some confusion surrounding extra concessions like free parking being offered by other local governments.*

Case Study – City of Joondalup

Has there been a noticeable improvement in parking compliance in ACROD bays in relation to an increase an agreement?

- *Yes, the parking agreements at Joondalup have had a significant effect at reducing the misuse of ACROD parking bays.*

Template Parking Agreement

- *Both the City of Joondalup and the Town of Claremont have template parking agreements that outline the responsibilities and legal obligations of both parties.*
- *The agreements can be customised to suit the requirements of individual carpark owners.*
- *Having a ready-made template agreement streamlines the process for encouraging new carparks to enter into parking arrangements.*
- *A template agreement for local governments is available on the DLGSC website.*

Accessible Parking Bay Specifications

Parking Signs – Australian Standard 1742.11



DISABLED PARKING
(Elevated Sign



Ground Markings
Standard Width Bay
2.5 metres



