

# APPLICATION FOR INFRINGEMENT REVIEW

Please ensure you consider the *Infringement Review Guidelines* prior to submitting your form and ensure you attach any relevant evidence with your request.

Local Government Act 1995

## Infringement Details

|   |   |   |
|---|---|---|
| Type of Infringement (please <input checked="" type="checkbox"/> )                    | <input type="checkbox"/> Parking<br><input type="checkbox"/> Planning Act<br><input type="checkbox"/> Building Act<br><input type="checkbox"/> Food Act | <input type="checkbox"/> Animal<br><input type="checkbox"/> Health Act<br><input type="checkbox"/> Bush Fires Act<br><input type="checkbox"/> Other |
| Infringement Number   |   |   |
| Infringement Issue Date   |   |   |
| Infringement Offence Details  |   |   |
| Vehicle Details (if applicable)   | Registration:   | State of Registration:  |
| Have you previously lodged a request for review about this infringement with Council? | <input type="checkbox"/> Yes <input type="checkbox"/> No<br>(please <input checked="" type="checkbox"/> )   | (If Yes, please include a copy of Council's previous correspondence in regard to infringement review decision)                                      |

## Applicant Details

|  |         |            |       |
|--|---------|------------|-------|
| Full Name                                |         |            |       |
| DOB                                      |         |            |       |
| Postal Address                           | Suburb: | Postcode:  |       |
| Street Address (if different from above) | Suburb: | Post Code: |       |
| Email Address                            |         |            |       |
| Contract Telephone Numbers               | Mobile: | Work:      | Home: |
| Driver's Licence                         |         |            |       |

## Review Details (Please provide your reasons for requesting review)

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| <input type="checkbox"/> Evidence attached (evidence to support your application must be attached for review to be considered)<br><input type="checkbox"/> Statutory declaration attached (if required). (please <input checked="" type="checkbox"/> ) |

## Declaration of Applicant

|  |       |
|--|-------|
| I hereby declare that the information provided by me on this form is true and correct in every respect and I hereby request a review of the circumstances leading to the issue of the above penalty infringement notice.                     |       |
| Signature:   | Date: |
| <b>PRIVACY DISCLAIMER</b>  |       |
| <i>Shire of East Pilbara is collecting your personal information in order to process your application. This information will only be disclosed to any other third party with your written authorisation or as we are required to by law.</i> |       |

|   |  |                  |
|---|--|------------------|
| Office use only (please <input checked="" type="checkbox"/> ) |  |                  |
| <input type="checkbox"/> Withdrawn<br>(Delegation Reference)  | <input type="checkbox"/> Penalty Remains | Signed:<br>Date: |

## Infringement Notice Review Guide

If you have been issued an infringement Notice you may request to have a review of the decision to issue the infringement notice in accordance with the particular provision of the Local Law or State Act. You can appeal an infringement if it has been issued for an incident regarding:

- Parking
- Animal
- Food Act
- Planning and Development
- Building Act
- Health
- Bush Fire Act

There are **two stages** to Council's appeals process.

### Stage 1 – Local Review

1. You have **28 days** from the date the included notice was issued to lodge your appeal. Your appeal must be in writing (on the applicable Application for Review Form).
2. The area of Council that issued the ticket investigates your appeal.
3. After the investigation, Council sends you a letter advising your Infringement Notice has been withdrawn or whether it stands and must be paid. You are also advised of your further review rights.

### Stage 2 – External Review

If your infringement is upheld after **Stage 1** and you disagree with this decision, you have **two options**:

1. Have your case heard in the Magistrates Court (refer to the back of the Infringement Notice for details of this process).
2. You can pay the fine and the matter is settled.

### What Should I Include with my Appeal?

The information you provide with the application form will help us investigate your appeal. Depending on the type of infringement issued, you should try to include:

- Building approvals/private certifier documents
- Original Pay and Display parking ticket
- Photographs or diagrams showing the exact location of the incident
- Statutory declaration from witness/es
- If you were not the driver of the vehicle at the time of the offence, you will need to provide a known user statutory declaration indicating who the driver was at the time the infringement notice was issued, including name and contact details of the driver (Statutory Declaration form available from <http://bit.ly/1t9A3RM>)
- Copies of permits or disabled permits not displayed at the time of the offence
- Vehicle repair receipt
- Written advice or an Offence Report from the Western Australia Police Service should include:
  - Ticket or infringement number
  - Animal name, type and registration number
  - Date of the incident Name and address of the company or owner if different from your own
  - You will have to provide a statutory declaration to indicate you were not the driver or owner at the time
  - Vehicle registration number

## Review of Appeal

The following defences may not be considered favourable by Council:

- Not aware of the legislation
- Misinterpretation/did not see signage
- Not familiar with the area
- No available parking and no valid reason for parking
- Being delayed at an appointment
- Stopping for a short time in a prohibited area(for example, stopping in a 'no stopping' area even if it is just to pick up or drop off passengers or goods)

However if you believe you have extenuating circumstances beyond those mentioned above, or have sufficient justification for a review, Council will still review all written appeals.

### How can I pay the infringement?

- Payment can be made at any Shire office, Newman or Marble Bar.
- Payment is also able to be made via phone payment by calling Shire of East Pilbara (08) 9175 8000.
- Payment by cheque or money order can also be posted to:  
Shire of East Pilbara  
PMB 22  
NEWMAN WA 6753

### How can I find more?

You can find out more by visiting Council's website [www.eastpilbara.wa.gov.au](http://www.eastpilbara.wa.gov.au) or phone Council on (08) 9175 8000.

