

REQUEST TO WAIVER/WITHDRAW INFRINGEMENT APPLICATION FORM

Important Information

- Please read all information carefully and complete all relevant sections contained in this form to lodge an appeal. **Please note completion of this form does not guarantee waiver of the infringement notice.**
- Non vehicle related offences: Requests for waiver **must** be submitted on this form within 28 days of issue of the infringement notice. All supporting evidence must be submitted with this form and a Statutory Declaration can be used as support for extenuating circumstances. The alleged offender will receive a letter advising the outcome following the review.
- Vehicle related offences: Requests for waiver **must** be submitted on a Statutory Declaration form within 28 days of issue of the infringement notice. This form, together with all supporting evidence, must be submitted with the Statutory Declaration. The alleged offender will receive a letter advising the outcome following the review. At all times the driver is responsible for ensuring the vehicle is parked in accordance with the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*, signage and/or road markings and during the applicable hours of operation.
- A Statutory Declaration form can be obtained at: http://www.courts.qld.gov.au/_data/assets/pdf_file/0004/88555/gen-f-qld-stat-dec.pdf.

Providing evidence and additional supporting information

It is important that sufficient supporting evidence is provided/attached when the request to waiver/withdraw is lodged. This supporting evidence assists council in making an informed decision.

Supporting evidence can include:

- Photographs or diagrams.
- Vehicle repair receipt/s.
- Statutory Declaration:
 - Advising the vehicle has been sold (copy of transfer papers or receipt of sale must be provided).
 - Advising Illegal use - written advice or crime report from the Queensland Police Service must be provided.
 - If you were not the driver of the vehicle, indicating who the driver was at the time the infringement notice was issued. Include the name and contact details of the driver.
 - To include copies of medical certificates or other proof to support your case.

Waiver/Withdrawal of an infringement

An infringement may be waived or withdrawn in the following circumstances:

- **The elements of the offence were not met**
If upon examination of the evidence, it appears that all elements of the offence were not met/satisfied, it may be appropriate to withdraw the infringement. Circumstances may include where an infringement contains incorrect information or was not issued correctly, or the issuing of the infringement was based on mistake of fact.
- **A person has been incorrectly named as the alleged offender**
This typically occurs when an infringement is issued to the registered owner of a vehicle, and that person was not in control of the vehicle at the time the offence occurred.
- **A reasonable excuse**
 - The affected person has a reasonable excuse for not complying with the relevant provisions of the law (example a medical emergency).
 - The affected person was unable to comply with the relevant provisions of the law due to a circumstance outside of their control (example regulatory signage removed/damaged).
- **Incorrect details**
 - Examples: Date of infringement, vehicle registration.
- **Medical emergencies**
 - Appointment was delayed for oncology or dialysis treatment.
- **Vehicle malfunctions**
 - Engine break down, broken axle, power failure.

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Self-Assessment Checklist - Grounds not considered for waiver of infringements:

Before lodging an appeal for consideration to waiver/withdraw the infringement, please make sure you do not fall into one of the categories below. If after reading you still believe you have grounds for appeal, please continue to complete the application form.

<p>TICKET MACHINE AREAS</p> <ul style="list-style-type: none">• Purchased ticket but not displayed on dashboard as required.• Ticket upside down on the dashboard• Not seeing the signs or ticket machines <p>METERED SPACES</p> <ul style="list-style-type: none">• The meter has expired when you return to your vehicle.• Not inserting sufficient coins to allow for unexpected delays.• No coins/not having adequate coins to insert into meter immediately upon parking.• Feeding the wrong meter <p>DISABLED PARKING SPACES</p> <ul style="list-style-type: none">• Parking in a disabled space without displaying a valid Disabled Parking Permit at any time day or night. <p>COMMERCIAL VEHICLE LOADING ZONE</p> <ul style="list-style-type: none">• Not displaying a valid commercial vehicle permit issued by Fraser Coast Regional Council.• Classification as “commercial use” by Queensland Transport.	<p>TIMED PARKING</p> <ul style="list-style-type: none">• Vehicle parked longer than the time limit specified on the signs. <p>BUS ZONES</p> <ul style="list-style-type: none">• Vehicle not classified as a bus – ie carries less than 13 seated persons including the driver. <p>TAXI ZONE</p> <ul style="list-style-type: none">• Vehicle other than taxi not permitted. <p>NO PARKING ANYTIME</p> <ul style="list-style-type: none">• Stopping in a no parking zone for longer than 2 minutes and driver not present at vehicle. <p>NO STOPPING ANYTIME</p> <ul style="list-style-type: none">• Parking a vehicle in a “No Stopping” zone.• Stopping on a road with a continuous yellow edge line• Stopping within 10m of an intersection without traffic lights <p>PARKING/STOPPING ON NATURE STRIPS OR FOOTPATH</p> <ul style="list-style-type: none">• Parking or stopping a vehicle on a nature strip or footpath
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In addition to the above, PINs will generally not be withdrawn for the following reasons:

- Being unaware of the law or not seeing the sign.
- Disagreeing with the law. You may feel the offence for which the infringement notice has been issued is too trivial or did not cause hazard.
- Appointment was delayed (excluding oncology or dialysis).
- Stopped briefly in restricted zone.

Financial Hardship

- It should be noted that the inability to pay the infringement (financial hardship) would not be considered a reason to withdraw an infringement. The review officer may offer an extension of time in which to finalise payment of the infringement.
- For infringement penalty amounts over \$200.00, the affected person may elect to enter into a voluntary instalment plan with the State Penalties Enforcement Registry after making an initial payment of \$60.00 to Council.

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Section 1 - Checklist for making an application

Are you the recipient of the infringement Notice Yes No - *If no, you cannot make this application without the recipient of the infringement notice giving written permission for you to act on their behalf. Reasons why must be attached.*

Type of infringement you are requesting waiver/withdrawal:

- Regulated parking (**refer sections 4 and 5*)
 - Animal (example: Registration, roaming, noise, enclosure, regulated dogs)
 - Illegal Dumping/Littering
 - Pest Management Food and Environmental Non-Compliance (example: Improvement Notice for Non-Compliance)
 - Public Health (example: Infection control, vermin harbourage)
 - Other (please specify): _____
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Section 2 - Applicant details

Surname:

Given Name:

DOB:

Postal Address:

Email:

Fax:

Mobile:

Business Phone:

Home Phone:

Section 3 - Penalty infringement details

Infringement No:

Registration/Tag No:

Date of Notice:

Offence Code as stated on notice:

Section 4 - Grounds for request

Mitigating Circumstances - *details are to be provided outlining circumstances of why committing an offence was unavoidable. Copies of supporting documentation (medical certificate, tow truck receipt, valid permit) are required.*

***If vehicle related:** A Statutory Declaration must be completed for this section and submitted with this application.

Offence as stated on notice:

Reason for request to waiver/withdraw: Incorrect Details Reasonable Excuse Other

Please outline the circumstances that led to the offence taking place:

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Section 5 - Incorrect Alleged Offender

* A Statutory Declaration must be provided with the name and address of the person responsible for the vehicle at the time the notice was issued. In the event of a stolen vehicle, a police report is required.

Vehicle under control of another person Vehicle Stolen Statutory Declaration Attached

Section 6 - Elements of the offence not met

If it is believed the facts concerning the alleged offence are incorrect, or the details have been incorrectly recorded on the PIN then the basis for making this claim is to be provided and explained. All relevant or supporting evidence must be attached.

Incorrect offence details:

Section 7 - Previous Offences

Have you previously ever lodged a request for waiver/withdrawal of an infringement with Council? Yes No

DECLARATION (Please tick)

- I declare that I have answered all questions truthfully and that information I have provided is true and correct to the best of my knowledge. I acknowledge that it is an offence under the relevant Acts or regulations to provide false or misleading information and that I may be liable for prosecution.
- I declare that I am applying for the review of an infringement issued by the administering authority as detailed in this application.
- I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

Signature of Applicant: _____ Date: _____

Application forms and supporting documentation can be submitted:			
In Person	Council's Administration Centres: 77 Tavistock Street, Torquay 4655 211-213 Adelaide Street, Maryborough 4650 Forgan Terrace, Tiaro 4650	Via Fax	(07) 4197 4455
	By Post	PO Box 1943, Hervey Bay QLD 4655	Via Email