

Infringement Reviews

State Penalties Enforcement Act 1999

FACT SHEET

Please read all information carefully and consider all available options prior to lodging an application for an infringement review.

Important Information

Requests for waiver **must** be submitted on an *Infringement Review Request* form and be submitted within 28 days of issuance of the infringement notice. All supporting documentation must be submitted with this form. The applicant will receive a letter advising the outcome following the review.

All reviews are undertaken by an authorised officer in a Senior position and the issuing officer is not involved in the review decision. If a person fails to complete the application in full, then the review application may be denied.

Grounds not Considered

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

- Being unaware of the law or not seeing the sign
- Disagreeing with the law
- Stopped only briefly in a restricted zone
- Parked in a disabled bay without displaying a permit

Infringement Review Considerations

An infringement may be reversed in the following circumstances:

- ***The elements of the offence were not met. (All)***
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. (All)***

This typically occurs when a parking 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. The known user declaration will need to be completed on the application form.

- ***Incorrect details (All)***

Examples: Incorrect date of infringement, vehicle or animal registration etc. Please note that a penalty infringement notice may be re-issued pursuant to the Act.

- ***Medical emergency (All)***

The affected person has suffered an unexpected medical emergency and due to circumstances was unable to comply with the relevant provisions of the law, or for parking, an appointment was delayed for oncology or dialysis treatment.

- ***Damaged Regulatory Signage (Parking Only)***

The regulatory signage was missing, obstructed, defaced, or damaged, leading to unintentional non-compliance with the law.

- ***Vehicle malfunctions (Parking Only)***

Engine break down, broken axle, power failure.

Providing Evidence and Supporting Documentation

It is important that sufficient supporting evidence is provided when lodging the application for review. This supporting evidence assists council in making an informed decision. Supporting evidence can include:

- Photographs or diagrams,
- Vehicle repair or towing receipt/s,
- Statutory Declaration,
- Medical Certificates,
- Known User Declaration,
- Queensland Police Report Numbers for unknown or illegal use.

Financial Hardship

It should be noted that the inability to pay the infringement (financial hardship) would not be considered a reason to reverse an infringement. The review officer may offer an extension of time in which to finalise payment of the infringement.

For infringements over \$200.00, the affected person may elect to enter into a voluntary instalment plan with the State Penalties Enforcement Registry. This can be completed at a Customer Service Centre and requires an initial payment of \$60.00 to Council.

State Penalties Enforcement Registry (SPER)

If you fail to make payment within the 28 days after receiving your infringement, the Council will refer your unpaid infringement to SPER for debt recovery. If the infringement is referred to SPER, additional fees will apply. If your matter has been referred, you will need to make contact with SPER on 1300 365 635.



Infringement Payment Options

- Pay in Full within 28 days in person or by mail; or
- Apply to pay by instalments if your infringement is over \$200.00; or
- Submit an application to have the infringement reviewed; or
- Lodge a declaration nominating another driver; or
- Elect to have a court hearing.

These options are detailed on the back of the infringement notice and can be made at any of these locations:

- 77 Tavistock Street, Torquay; or
- 211-213 Adelaide Street, Maryborough; or
- By returned mail to P.O Box 1943, Hervey Bay QLD 4655

Court Elections

Once an election to have the infringement notice is mentioned in Court, Council will begin proceedings at the Magistrates Court and a notice to appear will be served. Please note that if Council is successful at Court, you may incur court costs and professional fees.

Additional Information

To obtain additional information about Infringement Reviews, please feel free to reach out to the Council using any of the following methods:

- Visit the website: <https://www.frasercoast.qld.gov.au/infringement-notices>
- Contact us by phone at 1300 79 49 29; or
- Send an email to: enquiry@frasercoast.qld.gov.au

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