



Application to Withdraw Infringement Notice

Under the *Monetary Penalties Enforcement Act 2005*, you can request withdrawal of your infringement notice by applying to the issuing authority (Kingborough Council) who will then conduct a review of your infringement notice.

Please read the below information carefully to assist you in completing the application. You can only make one application for review. Please ensure you have included all the required information and documentation required before submitting your application.

Circumstances which will NOT be considered for withdrawal

- Not leaving the area to which a permissive parking sign applied (Road Rule 369).
- Being new to or unfamiliar with the Kingborough municipality, the offence or particular legislation.
- Appointments or meetings running late.
- Not seeing or misreading a parking sign.
- Being unaware of Loading or Permit Zone requirements/restrictions.
- First offences

Circumstances which will be considered for withdrawal

- The infringement notice was issued 'contrary to law' – you believe you did not commit the offence.
- Exceptional circumstances (verifiable and unforeseen circumstances outside of your control).

For example:

- A medical emergency – an injury/illness posing an immediate risk to a person's life or long-term health.
- A mechanical breakdown
- The infringement notice was issued to the incorrect person or vehicle. (You were not in the location or the incorrect registration was recorded.)

Registered Owner/Operator of the Vehicle

Parking infringement notices are issued to the registered operator of the vehicle. In accordance with Tasmania legislation, only the registered operator or their authorised representative may apply for an infringement notice withdrawal.

If you were not the registered owner or operator of the vehicle on the date of the infringement, please complete a Statutory Declaration, providing details of the person who was the registered owner or who was in charge of the vehicle at the time of the offence.

Supporting Documentation

You will need to provide documentation to support your application for withdrawal.

For example:

- A mechanical breakdown will require an invoice for mechanical/roadside assistance or towing.
- A medical emergency will require a letter from the hospital or treating medical practitioner confirming the events of the emergency.
- A valid permit will need to be provided if your application relates to a permit zone.

Review Process

Upon receipt of your Application to Withdraw Infringement Notice, Kingborough Council will commence a review into the infringement notice. Information taken into consideration may include:

- Information provided by the issuing officer
- Photographs taken by the issuing officer
- Reasons and supporting documentation provided by you.
- Any relevant legislation
- Council policy

When a decision has been made, you will receive a written response advising you of the outcome.

The outcome of your application is final. If your application is refused you may:

- Pay the infringement notice in full
- Apply for a payment arrangement
- Elect to go to court

Electing a Court Hearing

If you wish to have the offence(s) to which the infringement notice relates determined by a court, you must lodge a written notice with the General Manager to elect a court hearing.

The form for Notice to Election for a Court Hearing is available on the Kingborough Council webpage or at the Civic Centre. Once this form is submitted the alleged offences are determined by a court. You will be served with a summons to attend court in due course, after the form has been lodged.

Please be aware, additional costs may be incurred if the matter is referred to court.

Apply for a Payment Arrangement

The form for Application to enter into a Payment Arrangement for Infringements is available on the Kingborough Council webpage or at the Civic Centre.

Lodgement of Application

Completed applications and supporting documentation can be submitted by:

Email

kc@kingborough.tas.gov.au

Post:

The General Manager
Kingborough Council
Locked Bay 1
Kingston TAS 7050

Hand Delivered

Kingborough Council
Civic Centre
15 Channel Highway
Kingston Tasmania



Kingborough

Application to Withdraw Infringement Notice

- Note:**
- Please print clearly in the boxed spaces
 - Provide an Australian residential address
 - Send your completed form to the Kingborough Council

Infringement No. Infringement Date: / /

Vehicle Registration No. (Parking infringement only)

Salutation Given Names

Surname

Mailing address

Suburb

State Postcode Date of Birth

Phone No. (H) (B) (M)

Email address

Details: provide clear reasons why you are requesting the Infringement Notice to be withdrawn

Revised Ownership/Operator Details for Vehicle Related Offences

If you were not the registered owner or operator of the vehicle on the date of the infringement, please complete a Statutory Declaration, providing details of the person who was the registered owner or who was in charge of the vehicle at the time of the offence. Statutory Declaration forms can be obtained from the Civic Centre or online at http://www/justice.tas.gov.au/justice/justices_of_the_peace.

Your full name

Your signature Date / /

If the General Manager refuses your application, you may:

- pay the fine in full
- apply for a payment arrangement
- elect to go court.

Privacy Statement

Completion of this form may require the disclosure of personal information. The intended recipients of this information are officers of the Kingborough Council in order to advance the purposes of this form and to carry out Council business. The Personal Information Protection Act 2004 and Council's Privacy Policy regulate the use of this information, which will not be disclosed to any other party, except with your permission or if required or authorised by law. You may make application to access or amend personal information held by Council by contacting the Customer Service Unit on 6211 8200. Should you not provide the information sought, Council will not be able to process this form.

Office Use:

1. Pathway Amended: 2. Letter Sent: 3. Reminder Letter Sent:

