

# Infringement Notice Withdrawal Request Form

## An Infringement notice may be appealed and may be withdrawn in the following circumstances, and supporting documentation MUST be provided:

- **The vehicle owner was not the driver at time of infringement issue.** A properly completed, signed and witnessed Statutory Declaration must be provided.
- Infringement Notice was **issued 'contrary to law'** (you believe you did not commit the offence). You are required to provide details/reasons as to why the Infringement Notice issued contrary to law.
- **A disabled parking permit** was not displayed or was obscured. A valid ACROD permit in the name of the vehicle owner must be provided.
- **Signage was missing, obscured, or inadequate.** The information must be substantiated by a Town Authorised Person following a site inspection confirming the assertion.
- **Special or exceptional circumstances** that is
  - **Life threatening or serious medical emergency.** (A medical certificate from a medical practitioner, or an authorised person at the relevant hospital authority must substantiate this in writing);
  - **Emotional state or mental condition, where a driver's emotional state, mental or intellectual disability, disorder or illness is a factor for non-compliance.** Evidence to be provided from general practitioner, psychologist, psychiatrist, psychiatric nurse, or accredited drug treatment agency or counsellor to demonstrate the condition prevailing at the time resulted in driver being unable to either understand or control their conduct which led to the infringement notice being issued;
  - **Vehicle breakdown, flat tyre, etc.** (Documentary evidence must be provided from the from the RAC, a reputable motor vehicle breakdown service company or motor vehicle mechanical repair company or other evidence of mechanical failure to be provided); and
  - **In an emergency where you could cause hazard to other road users.** (A medical certificate from a medical practitioner, or an authorised person at the relevant hospital authority must substantiate this in writing);
  - **Vehicle stolen or used without the prior authority of the owner.** Police report to be provided.
  - **Compliance with a lawful instruction from a Police Officer, Ranger or other Town Authorised Person.** In cases due to an emergency or as a result of action by the Police to remove/apprehend the driver, consideration only given where a statement from Police or other Authorised Person is provided.

## The following are NOT valid reasons or explanations that would allow the withdrawal of an infringement:

- Ignorance of the law does not excuse;  
(A person should take the trouble to acquaint themselves with the law relating to any activity that they are engaged in at any particular time)
- You did not plan ahead and book accommodation;
- You thought you could camp there because there was no sign;
- You did not understand the sign or sign was confusing;
- You did not see the sign;
- You could not find a parking bay;
- You did not know the parking rules;
- You thought you were allowed to park in (Loading Zones; Taxi Stands; Disabled Parking Bay; Motorcycle bay or Bus Zone);
- You had to use the toilet; You ran out of fuel; You were only there a few minutes or you lost track of time;
- You have done it before and not been caught or infringed.
- Disagreeing with the law; or
- You may feel the offence for which the infringement notice has been issued is trivial or did not cause a problem to anyone.

If after reading the above, you still wish to appeal the infringement notice, you need to complete the Infringement notice withdrawal request form Form and return to the Shire of Exmouth, PO Box 21 EXMOUTH WA 6707, email to [info@exmouth.wa.gov.au](mailto:info@exmouth.wa.gov.au) or hand deliver the complete form and supporting documentation/ evidence to the Shire of Exmouth, 2 Truscott Crescent, Exmouth WA 6707.

# Infringement Notice Withdrawal Request Form

### DETAILS OF APPLICANT (PLEASE PRINT IN BLOCK LETTERS)

First Name	Last Name	
Residential Address		Drivers License Number
Postal Address		Postcode
Home ☎	Mobile ☎	Work ☎
Email Address		Date of Birth ____/____/____

**NOTE: ONLY THE ALLEGED OFFENDER CAN LODGE AN APPEAL. INFRINGEMENTS WILL ONLY BE WITHDRAWN IN CERTAIN CIRCUMSTANCES AND SUPPORTING DOCUMENTATION/EVIDENCE MUST BE PROVIDED WITH THIS FORM**

Infringement Number: \_\_\_\_\_

Type of Infringement Issued      Camping      Parking      Dog      Other

Time Infringement Issued \_\_\_\_\_

Location Infringement Issued \_\_\_\_\_

Vehicle/Dog/Cat Registration Number \_\_\_\_\_

Reason for Appeal:      **Please read "Infringement Appeals" substantiations overleaf.**

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**NOTE: FAILURE TO PAY OR APPEAL YOUR INFRINGEMENT WITHIN 28 DAYS OF ISSUE MAY RESULT IN ADDITIONAL PENALTY COSTS BEING INCURRED**

If you do not pay the modified penalty within 28 days after the date of the notice, you may be prosecuted, or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following actions may be taken- Your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property maybe seized and sold.

### DECLARATION

I understand that this is an application only and conditions may apply.

Signature:       Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

