

**ASSESSMENT REPORT FOR REVIEW OF
PENALTY INFRINGEMENT NOTICE**



Penalty Notice Number

Assessment Criteria:

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Was the review application in writing and received prior to the due date of the infringement? |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the infringement issued in error? |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the infringement issued contrary to law? |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the infringement issued to the wrong person? |
| <input type="checkbox"/> | <input type="checkbox"/> | Do Special Circumstances apply? |
| <input type="checkbox"/> | <input type="checkbox"/> | Do Exceptional Circumstances apply? |

Assessment for COMPLIANCE:

Explain reason for decision regarding review:

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COMPLIANCE OFFICER RECOMMENDATION:

COMPLIANCE COORDINATOR RECOMMENDATION:

- Withdraw Infringement.
- Confirm Infringement.
- Confirm Infringement with payment options.
- Convert to Warning

- Withdraw
- Not withdrawn

Signed:

Signed:

Date:

Date:

Manager (Only if Issuing Officer and Compliance Coordinator Disagree):

- Withdraw
- Confirm
- Other.....

Signed:

Date:

INFRINGEMENTS REVIEW

Infringements may only be considered for review if:

1. They are in writing.
2. There have not been previous review requests for the same infringement.
3. They are received prior to the due date of the infringement.

The following are the only reasons where a review is allowable

Contrary to Law	The law was not broken, the infringement was issued in error, or the infringement was issued under the wrong law.
Mistaken Identity	The person to whom the infringement was issued was not the actual person who committed the offence. (See Note 1 below)
Special Circumstances	Persons with a mental or intellectual disability, disorder, disease or illness; a serious addiction to drugs, alcohol or a volatile substance; or are homeless. The definition then requires that these persons could not control or understand their offending conduct because of their situation.
Exceptional Circumstances	Any other circumstance the applicant believes justifies an internal review.

Note 1. For parking infringements the notice is issued to "The owner" and so, by law, that vehicle owner is considered to be the "guilty" person unless a statutory declaration is issued by the owner naming the person who was in charge of the vehicle at the time of the event.

Panel Assessment.

The officer reviewing the infringement will consider any of the following aspects when considering a request for review:

1. Any documentation provided to substantiate the review request
2. Any previous infringement history (**for warning conversions only**).
3. Councils enforcement policies and procedures.

Actions available to the reviewing officer.

Confirm	Confirm the decision to serve an infringement notice
Warning (withdraw infringement)	Withdraw the infringement notice and serve an official warning in place of the infringement notice
Withdraw	Withdraw the infringement Notice
Refer to Court (withdraw infringement)	Withdraw the infringement notice and refer the matter to Court.

In addition the following actions may also be undertaken:

- In the case of an infringement notice involving additional steps, alter or vary those steps.
- Waive all or any prescribed costs.
- Approve a payment plan.
- Any combination of any of the above actions.

Payment Plans

Mandatory	<p>An enforcement agency must offer a payment plan to a person who applies under section 46(1) of the Act if the person meets the eligibility criteria set out in the guidelines.</p> <p>A person is automatically entitled to enter into a payment plan if they are in receipt of:</p> <ul style="list-style-type: none">• A Commonwealth Government (Centrelink) Pensioner Concession card.• A Department of Veterans' Affairs Pensioner Concession card or Gold Card; or• A Centrelink Health Care Card (Any type)
Discretionary	<p>An enforcement agency may offer a payment plan to a person who applies under section 46(1) of the Act if the enforcement agency decides, in its discretion, that the person should be offered a payment plan.</p>