

**DETAILS**

Council  Admin

Effective from:	29 September 2020	
Contact officer:	Senior Environmental Health Specialist (Strategic Development)	
Next review date:	September 2022	
File reference:	LG222/171/02(P1)	
iSpot #	This policy	40808206
	Value Proposition	48230893

**OBJECTIVES AND MEASURES**

Objectives	This policy provides an equitable, objective, transparent and consistent framework for the assessment of requests to withdraw Penalty Infringement Notices (PIN).
Performance measures	<p>% of PIN review requests acknowledged within the relevant timeframe – target 95%</p> <p>% of PIN review requests finalised within 45 business days – target 95%</p> <p>% of PIN withdrawal decisions made in accordance with this Policy – target 95%</p> <p>% of PIN review decisions made under this Policy that are consistent with Ombudsman findings – target 95%</p>
Risk assessment	Medium

**POLICY STATEMENT**

Section 28 of the *State Penalties Enforcement Act 1999* (SPEA) permits an administering authority (such as Council of the City of Gold Coast (Council)) to withdraw a PIN at any time before the fine is satisfied in full.

All requests received by Council to review PINs must be assessed and determined fairly, consistently and transparently and in accordance with the attached PIN review procedure. Each request is to be assessed against clearly stated criteria and considered objectively.

Council officers play an important role in the enforcement of local laws and other legislation. These laws are aimed at protecting and enhancing a range of economic, environmental, social and health values in our city.

When issuing PINs it is acknowledged that not all of the facts and circumstances surrounding an offence are always known to officers. It is also accepted that in some circumstances, an error may occur in the decision to issue a PIN. As such there may be a valid and substantiated reason for a PIN to be withdrawn.

This policy provides a clearly defined process and criteria against which each request is considered. It also provides guidance to PIN recipients as to the circumstances in which their PIN may be withdrawn.

**SCOPE**

The policy relates to the following requests by affected persons:

- to review a decision to issue a PIN for an act or omission against a Local Law or other legislation;
- to consider mitigating factors and lawful defences that the issuing officer may not have been aware of at the time of issue.

The policy does not address requests to review other decisions made by Council or Council officers.

## DEFINITIONS

**Affected person** - is an alleged offender (including an individual or company) who has been issued a PIN or is alleging associated enforcement officer misconduct.

**Council** - Council of the City of Gold Coast.

**Issuing Officer** - is the officer who originally issued the PIN.

**Lawful defence** – a defence that is prescribed in the relevant local law or legislation under which the PIN was issued.

**Mitigating circumstances** – a circumstance or factor that is considered to lessen or eliminate the culpability of the alleged offender to the alleged offence and may be considered in the review of a PIN.

**Penalty Infringement Notice** – is a notice as outlined in section 15 of the *State Penalties Enforcement Act 1999*.

**Review Officer** - is an officer who has Delegation 2116 from the CEO pursuant to the *State Penalties Enforcement Act 1999*.

*Delegation 2116 states - Power pursuant to the State Penalties Enforcement Act 1999:*

- 1) *To withdraw an infringement notice (S.28(1)).*
- 2) *To give the State Penalties Enforcement Registry a default certificate for registration in respect of any recipient of an infringement notice who has not taken action within the time period provided by the infringement notice (S.33(1))*
- 3) *To:*
  - (a) *commence proceedings against an applicant for an offence; or*
  - (b) *accept payment of the fine in full; or*
  - (c) *issue a fresh infringement notice where the Registrar has cancelled an enforcement notice and referred the matter back to Council (S.57(5)).*
- 4) *To approve forms for use as infringement notices (S.162).*
- 5) *To approve (or refuse where the conditions in this section have not been complied with) an application for payment of a fine by instalments.(s.23).*
- 6) *To submit particulars required for registration of approval of instalment payments with the State Penalties Enforcement Registry (s.24(1)).*

## RELATED POLICIES AND DELEGATIONS

Code of Conduct Policy for Employees  
Complaints (Administrative Actions) Policy & Procedures [C(AA)PP];  
Customer Contact Policy  
Delegated Power and Authorisations Policy  
Disciplinary Policy  
Information Management Policy  
Information Privacy Policy  
Register of Local Laws

Delegation 2116

## LEGISLATION

*Animal Management (Cats and Dogs) Act 2008*  
*Biosecurity Act 2014*  
*Building Act 1975*  
*Building Regulation 2006*  
*Environmental Protection Act 1994*  
*Food Act 2006*  
*Information Privacy Act 2009*  
*Local Government Act 2009*  
*Local Government Regulation 2012*  
*Planning Act 2016*  
*Plumbing and Drainage Act 2018*  
*Public Health Act 2005*  
*Public Health (Infection Control for Personal Appearance Services) Act 2003*  
*Right to Information Act 2009*  
*State Penalties Enforcement Act 1999 Part 3 Infringement Notices*  
*Transport Operations (Road Use Management) Act 1995*  
*Waste Reduction and Recycling Act 2011*  
*Water Act 2000*  
*Water Supply (Safety & Reliability) Act 2008*

## SUPPORTING DOCUMENTS

Attachment A – Procedures.  
 Attachment B – Grounds for withdrawal.  
 Attachment C – Insufficient grounds for withdrawal.

## RESPONSIBILITIES

Sponsor	Director Lifestyle and Community
Owner	Manager Health and Regulatory Services

## VERSION CONTROL

Document	Date	Approved	Amendment
40808206 v5	29.09.2020	CEO iSpot #77791737	Minor changes. Amend procedure.
<a href="#">40808206 v4</a>	14.7.15	CEO iSpot #50510137	Minor changes. Amend Procedure.
<a href="#">40808206 v3</a>	16.10.13	CEO iSpot #41834173	Minor changes
<a href="#">40808206 v2</a>	08.08.13	CEO iSpot #41834173	Minor correction to use of term 'Council'
<a href="#">40808206 v1</a>	27.06.13	CEO iSpot #40763116	Approve new administrative policy

## 1. PURPOSE

Legislation, including local laws, offers a range of review and appeal mechanisms to alleged offenders through the Magistrate's Court, Queensland Civil and Administrative Tribunal (QCAT), judicial review and the Office of the Queensland Ombudsman. However it is acknowledged for simple matters where an alleged offender believes the Penalty Infringement Notice (PIN) should be reconsidered, that a single tiered 'in house' review mechanism is lawful, appropriate and in the public interest. Section 28 of SPEA states that an administering authority may withdraw an infringement notice at any time before the fine is satisfied in full.

This policy aims to provide an equitable objective, transparent and consistent framework for this review mechanism within Council. Council's Complaints (Administrative Actions) Policy and Procedure (C(AA)PP) stipulates that PIN reviews are determined in accordance with the PIN Review Policy and Procedure. Investigations of complaints about enforcement officers' actions whilst issuing a PIN are to be conducted in accordance with either the C(AA)PP or the Code of Conduct for Employees Policy.

A PIN review dealt with under this policy includes the following requests by affected persons:

- to review a decision to issue a PIN for an act or omission against a Local Law or other legislation;
- to consider mitigating circumstances and legal defences that the issuing officer may not have been aware of at the time of issue;
- to investigate alleged inappropriate conduct of an enforcement officer while issuing a PIN.

## 2. GROUNDS FOR REQUEST

Council will consider withdrawing a PIN if the grounds of the request satisfy any of the following criteria:

- The affected person demonstrates that one or more elements of the offence were not met;
- A person has been incorrectly named as the alleged offender (For example, the PIN was served on the owner of vehicle or land and another person was responsible for the offence);
- The affected person was unable to comply with the relevant provisions of the law due to mitigating circumstances or they have a legal defence.

## 3. DEFINITIONS

See Penalty Infringement Notice Review Policy – Definitions.

## 4. MAKING A REQUEST

### 4.1 How a review may be requested

In order to ensure all of the details of the request are given full consideration, it is required that a request to review a PIN be made by an affected person in one of the following ways:

- On the relevant approved form - '**Penalty Infringement Notice (PIN) Withdrawal Request**' or '**Infringement Notice withdrawal request – Parking fines**'; or
- The relevant **Online form**.

Where a valid reason is given, assistance can be provided to request a review, or alternatively a review can be requested on behalf of an affected person utilising the same processes available under the C(AA)PP. If a request is formally lodged by an authorised agent, responses will be provided directly to this agent.

Requests for withdrawal cannot be determined by enforcement officers in the field. Affected persons will be directed to Council's website or customer contact centres to obtain information relating to a review.

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## 4.2 Information to be provided in the request

As a minimum, a PIN review request should include the following information:

- The infringement notice number or reference number to which the request relates;
- The alleged offence or offence code;
- The name and address (or email address) of the person making the request, and if this is not the affected person, written authorisation from the affected person that the person making the request has authority to do so;
- Details of the reason that a review is being requested; and
- Supporting information to substantiate reasons for the review (statutory declaration, proof of payment, photographs, etc.).

## 4.3 When a request can be made

The *State Penalties Enforcement Act 1999* states that a PIN can be withdrawn by the administering authority at any time before the fine is paid or otherwise discharged.

This internal review procedure is single tiered and as such, if a person remains dissatisfied after the conclusion of this process no further internal reviews will be conducted and they will be directed to the external appeal mechanisms through the Magistrate's Court or to the Ombudsman.

# 5 COUNCIL'S REVIEW PROCESS

## 5.1 Review Process

### 5.1.1 Request Assigned to review officer

The request for review will be referred to the relevant review officer. Review officers must hold Delegation 2116. The officer who originally issued the PIN or any other officer involved in the issuing of the PIN may be consulted as part of the review process however they must not be the formal review officer.

#### 5.1.1.1 PIN to be placed on hold

The PIN is to be placed on hold in LGP Pathway while the review is being undertaken. Note that this is a procedural step only and does not impact statutory limitation periods for the offence.

### 5.1.2 Review of Evidence and Circumstances

The level of investigation should be consistent with the seriousness of the alleged offence and the complexity of the grounds on which the review is sought. If the request does not include sufficient information to undertake the review then a request can be made to provide additional information and/or documentation.

Undertaking a review may include the following activities as applicable:

- Investigate as to whether a previous decision on a matter provides a precedent to the matter being considered (including but not limited to the circumstances outlined within attachments A and B);
- Conduct interviews and inspect sites and documents;
- Determine the veracity of the case (whether the evidence demonstrates that the elements of the offence have been met);
- Research and apply relevant legislation and policy (see section 5.2 below);
- Determine if there are any special circumstances that exist that make the PIN under review potentially inconsistent with the public interest or give reason to consider alternative means of achieving compliance;
- Prepare a report clearly summarising the matter and results of the investigation setting out findings and recommendations.

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#### 5.1.2.1 Grounds for Withdrawal

For an enforcement action to be withdrawn, one of the following criteria must be satisfied:

- a) The affected person demonstrates that an element of the offence was **not met**. If, upon examination of the evidence, it appears that all of the elements of the offence were not met / satisfied, it may be appropriate to withdraw the PIN. Circumstances might include where a PIN contains incorrect information, or was not issued correctly, or the issuing of the PIN was based on mistaken fact;
- b) The incorrect person has been **named** as the alleged offender. This typically occurs where the PIN is issued on the registered owner of a vehicle, or land, and that person was not in control of the vehicle, or custodian of the land at the time of the offence; or
- c) The affected person was unable to comply with the relevant provisions of the law due to mitigating circumstances or they have a legal defence (other grounds).

**Attachment B – ‘Grounds for Withdrawal’** outlines specific circumstances that would satisfy the above withdrawal criteria.

#### 5.1.2.2 Reasons Not Satisfying Criteria for Withdrawal

Generally, if the withdrawal criteria outlined in section 5.1.2.1 cannot be satisfied, then the issuing of the PIN will be upheld. **Attachment C – ‘Reasons Not Satisfying Withdrawal Criteria’** outlines a range of circumstances that typically do not fall into any of the above withdrawal criteria. It should be noted that this list is not exhaustive.

#### 5.1.3 Decide the Matter

Following the review, the reviewing officer must determine whether to:

- Uphold the PIN, or
- Withdraw the PIN.

In addition to this determination, the officer may also take another action including any of the following actions as appropriate:

- Issue a PIN to, or take lawful and appropriate enforcement action against another person;
- Issue another PIN to, or take lawful and appropriate enforcement action against the affected person for a different offence;
- Issue an amended PIN to the affected person for the same offence;
- Recommend the issuing officer for additional training, counselling or disciplinary action (see section 5.3);
- Make a recommendation to amend a local law or an enforcement protocol;
- Pursue an alternative method of compliance.

#### 5.1.4 Notify Affected Person

A notice is to be issued to the affected person detailing the decision and reasons for the decision made in relation to their request.

If a PIN is to be withdrawn, a withdrawal notice must be provided to the alleged offender (*State Penalties Enforcement Act s. 28*). If it is decided to not withdraw the enforcement action (uphold), an information notice is to be provided to the affected person. Information notices must include:

- Relevant Council policies, local laws and other statutory provisions, such as the source of legislation; and
- The reasons for Council's decision.

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## 5.2 Relevant Legislation and Policies

### 5.2.1 General Principles

The Acts and policies relevant to requests for the review of enforcement actions include those listed in the PIN Review Policy – see Related Policies and Delegations and Legislation:

Section 4 of the *Local Government Act 2009* provides (in part) that:

The local government principles are:

- (a) transparent and effective processes, and decision-making in the public interest; and
- (d) good governance of, and by, local government.

Section 28 of the LG Act provides (in part) that:

(1) A local government may make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area.

Further to these provisions, it should be noted that it is a requirement under the *Local Government Act 2009* that all Councils adopt a process for resolving administrative action complaints, commonly known as a complaints management process (CMP). The C(AA)PP details Council's CMP. The issuing of PINs is an administrative action and as such, this policy forms part of Council's CMP. Requests to review or withdraw a PIN are determined in accordance with this policy. Investigations of complaints about enforcement officers' actions whilst issuing a PIN are to be conducted in accordance with either the C(AA)PP or the Code of Conduct for Employees Policy.

### 5.2.2 Enforcement of State Government Legislation

Council has responsibility for the enforcement of State Government legislation including particular sections of the following Acts:

- *Animal Management (Cats and Dogs) Act 2008*;
- *Biosecurity Act 2014*;
- *Building Act 1975*;
- *Building Regulation 2006*;
- *Environmental Protection Act 1994*;
- *Food Act 2006*;
- *Planning Act 2016*;
- *Plumbing and Drainage Act 2018*;
- *Public Health Act 2005*;
- *Public Health (Infection Control for Personal Appearance Services) Act 2003*;
- *Transport Operations (Road Use Management) Act 1995*;
- *Water Act 2000*;
- *Waste Reduction and Recycling Act 2011*;
- *Water Supply (Safety & Reliability) Act 2008*.

When reviewing a PIN made under any of the above legislation then the relevant sections of the particular legislation are to be considered as part of the review process as they relate to the offence. These may include but are not limited to:

- Objects/purpose of the legislation;
- Defence provisions;
- Other available remedies.

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### 5.3 Officer Conduct

Inappropriate officer conduct is inconsistent with public interest and good rule objectives and may cast doubt over the veracity of the evidence gathered by the officer.

Investigations of complaints about enforcement officers' actions whilst issuing a PIN are to be conducted in accordance with either the C(AA)PP or the Code of Conduct for Employees Policy. Additionally, the reviewing officer when examining any documents or other material shall proactively look for evidence of such conduct and report any suspected concerns or breaches.

A review finding of officer misconduct does not constitute grounds for the automatic withdrawal of a PIN. However, reviewing officers should consider the degree of any substantiated misconduct in their decision-making when considering withdrawal of the PIN.

### 5.4 Decision Timeframes

An acknowledgement will be provided to an affected person in relation to their request within 10 business days if the review officer expects that the review decision will exceed 15 business days. Requests submitted via eServices, the City email address or over the counter at a customer service centre are taken to have received an acknowledgement upon submission.

The affected person is to be notified of the decision within 45 business days. Notification of the decision is to be in accordance with section 5.1.4.

## 6 RECORDING, EVALUATION, AND REPORTING

### 6.1 Recording

The determination made for each request, is to be recorded in LGP Pathway. The information to be recorded includes the review decision, and, if it was withdrawn, the criterion under which it was withdrawn.

### 6.2 Evaluation and Reporting

The relevant manager shall undertake evaluation of reviews undertaken pursuant to their jurisdictions and shall report to the Office of the Chief Executive Officer (CEO) in line with requirements under section 306(4)(c) of the *Local Government Regulation 2012*.

The evaluation process may include the following:

- An analysis of reviews withdrawn and upheld including timeliness of response;
- A survey of officers who undertook reviews and affected persons who have requested reviews.

## 7 OTHER AVENUES OF APPEAL

If an affected person remains dissatisfied after the review, they are to be advised of external review options such as the Queensland Ombudsman's Office, Energy Water Ombudsman Queensland, or the Magistrate's Court.

Council's review process does not limit a person's ability to make a complaint directly to the Queensland Ombudsman or through any other external complaints review processes.

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Where a request for review has been referred directly to the Queensland Ombudsman, the Ombudsman may choose to refer the matter to Council for an investigation. In such cases, unless otherwise determined by the CEO, the review will be undertaken in accordance with this procedure.

An affected person may also choose to pursue a complaint through the courts or under the provisions of the *Judicial Review Act 1991*. Alternatively, if the matter relates to misconduct, the Crime and Corruption Commission (CCC) under the provisions of the *Crime and Corruption Act 2001*, or if appropriate, the QCAT.

Although the PIN review procedure is a single tiered system, where the existence of a material matter was not within the means of knowledge of the affected person at the time the review was conducted, the manager may at their discretion reopen the review.

Penalty Infringement Notice Review Policy  
Attachment B – Grounds for Withdrawal

PIN TYPE	CIRCUMSTANCE	CATEGORY [5.1.2.1 a or b or c	SUB-CATEGORY	CONDITIONS / EXCEPTIONS	SUPPORTING DOCUMENTATION TO BE PROVIDED	Reason Code for LGP Pathway
ALL	Someone misused name or other particulars.	Offence did not occur (a)	Mistaken fact		Statutory declaration.	WA1
ALL	Elements of the offence were not met beyond reasonable doubt.	Offence did not occur (a)	Mistaken fact	Only where the officer's evidence is not compelling		WA2
PARKING	Serious medical circumstance (accident and emergency attendance, family death, giving birth, palliative care) meant that offender could not have reasonably been expected to comply with parking restriction.	Mitigating Circumstances (c)	Medical emergency	*Yellow line offences only withdrawn if driver taken from vehicle in ambulance. * MUST be of a serious/urgent nature and have directly impacted on the offender's ability to comply with the parking restriction (medical appointments are NOT a serious medical circumstance).	Letter from doctor/hospital detailing time and date corresponding to time of offence.	WP1
PARKING	Vehicle broken down and all reasonable attempts were made to ensure the vehicle was stopped in a safe location and moved as soon as possible from the restricted area.	Mitigating Circumstance (c)	Mechanical breakdown		Tow Truck, RACQ receipt or mechanical report.	WP2
PARKING	Parking machine was not working.	Mitigating Circumstance (c)	Other	Claim to be verified by machine report.		WP3
PARKING	Holder of disabled parking permit not having it displayed when parking in a disabled parking bay.	Mitigating Circumstance (c)	Other	*First offence only, as per Council resolution (G13.0528.016)	Copy of valid permit.	WP4
PARKING	Holder of parking permit not having it displayed when parking in the permit area.	Mitigating Circumstance (c)	Other	*First offence only	Copy of valid permit.	WP5
PARKING	PIN issued stating incorrect details (incorrect alleged offender, incorrect vehicle registration, incorrect location address, incorrect offence code, incorrect time or other detail recorded on the PIN).	Offence did not occur (a)	Administrative error	* PIN may be reissued correctly if appropriate.	As relevant.	WP6
PARKING	Sign missing/damaged/ Faded.	Offence did not occur (a)	Mistaken fact		Photograph/s.	WP7
PARKING	Was not in breach of stated law.	Offence did not occur (a)	Mistaken fact	*Only where the officer's evidence does not prove the offence.	Photograph/s.	WP8
PARKING	Vehicle not in control of registered owner (stolen, sold or being driven with permission).	Incorrect person (b)		* PIN may be reissued to the person nominated on the statutory declaration.	Statutory declaration nominating driver, or copy of police report for stolen vehicle.	WP9

Penalty Infringement Notice Review Policy  
Attachment B – Grounds for Withdrawal

PIN TYPE	CIRCUMSTANCE	CATEGORY [5.1.2.1 a or b or c	SUB-CATEGORY	CONDITIONS / EXCEPTIONS	SUPPORTING DOCUMENTATION TO BE PROVIDED	Reason Code for LGP Pathway
<b>ANIMAL CONTROL (Registration Offences)</b>	Genuine error / oversight due to mitigating circumstance.	<b>Mitigating Circumstances (c)</b>	<b>Other</b>	* First offence only and fee paid immediately on receipt of PIN. * Only where there is a mitigating circumstance which has caused the oversight.	As relevant.	WAM1
<b>ANIMAL CONTROL (Registration Offences)</b>	Animal deceased prior to end of renewal period.	<b>Offence did not occur (a)</b>	<b>Mistaken fact</b>		As relevant.	WAM2
<b>ANIMAL CONTROL (Registration Offences)</b>	Dog relocated to another address.	<b>Offence did not occur (a)</b>	<b>Mistaken fact</b>	* PIN to be reissued at correct address if animal is not registered.	As relevant.	WAM3
<b>ANIMAL CONTROL (Registration Offences)</b>	PIN issued as a result of a system/computer error, no offence committed.	<b>Offence did not occur (a)</b>	<b>Administrative error</b>		Receipt or other proof of payment.	WAM4
<b>ANIMAL CONTROL (other offences)</b>	Premises broken into and animal escaped as a result.	<b>Mitigating Circumstance (c)</b>	<b>Other</b>		Copy of police report.	WAM5
<b>ANIMAL CONTROL (other offences)</b>	Dog was not in dog prohibited area.	<b>Offence did not occur (a)</b>	<b>Mistaken fact</b>	* Would need to be verified with maps and position of offence corroborated by officer.		WAM6
<b>ANIMAL CONTROL (other offences)</b>	Sign missing / damaged / faded.	<b>Offence did not occur (a)</b>	<b>Mistaken fact</b>	* Only where the presence of a sign is required.		WAM7
<b>ANIMAL CONTROL (other offences)</b>	PIN issued stating incorrect details (incorrect alleged offender, incorrect location address, incorrect offence code, incorrect time or other detail recorded on the PIN).	<b>Offence did not occur (a)</b>	<b>Administrative error</b>	* PIN may be reissued correctly if appropriate.	As relevant.	WAM8
<b>ANIMAL CONTROL (other offences)</b>	Serious medical circumstance (accident and emergency attendance, family death, giving birth, palliative care) meant that offender could not have reasonably been expected to comply.	<b>Mitigating Circumstance (c)</b>	<b>Medical emergency</b>		As relevant.	WAM9
<b>LOCAL LAWS</b>	Serious medical circumstance (accident, emergency attendance, family death, giving birth, palliative care) meant that alleged offender could not have reasonably been expected to comply.	<b>Mitigating Circumstance (c)</b>	<b>Medical emergency</b>	*Seriousness and urgency of medical circumstance to be considered against the type of offence.	Letter from doctor / hospital detailing time and date corresponding to time of offence.	WCL1
<b>LOCAL LAWS</b>	Vehicle broken down and all reasonable attempts were made to ensure the vehicle was stopped in a safe location and moved as soon as possible from the restricted area.	<b>Mitigating Circumstance (c)</b>	<b>Mechanical breakdown</b>		Mechanical documentation, RACQ receipt.	WCL2

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LOCAL LAWS	Sign missing / damaged / faded.	Offence did not occur (a)	Mistaken fact		Photos / verification .	WCL3
LOCAL LAWS	Was not in breach of stated law.	Offence did not occur (a)	Mistaken fact	* Only where the officer's evidence is not compelling.	Photos / verification.	WCL4
LOCAL LAWS	PIN issued stating incorrect details (incorrect alleged offender, incorrect vehicle registration, incorrect location address, incorrect offence code, incorrect time or other detail recorded on the PIN).	Offence did not occur (a)	Administrative Error	* PIN may be reissued correctly if appropriate.	As relevant.	WCL5
LOCAL LAWS	Vehicle not in control of registered owner (stolen or being driven with permission).	Incorrect person (b)		* PIN may be reissued to the person nominated on the statutory declaration.	Statutory declaration nominating driver, or copy of police report for stolen vehicle.	WCL6
ENVIRONMENT/ HEALTH (litter, nuisance and water contamination)	Serious medical circumstance (accident and emergency attendance, family death, giving birth, palliative care) made committing the offence unavoidable.	Mitigating Circumstance (c)	Medical emergency		Letter from doctor / hospital detailing time and date corresponding to time of offence.	WEH1
ENVIRONMENT/ HEALTH (litter, nuisance and water contamination)	Mechanical / equipment failure resulting in contaminant release.	Mitigating Circumstance (c)	Mechanical breakdown	* Where it is obvious that lack of proper maintenance was the cause of the failure then it is not considered to be a mitigating circumstance.	Repair receipts.	WEH2
ENVIRONMENT/HEALTH (litter, nuisance and water contamination)	Was not a prescribed contaminant.	Offence did not occur (a)	Mistaken fact		Details of the nature of the material that was released [Material Safety Data Sheet (MSDS) or testing results].	WEH3
ENVIRONMENT/HEALTH (litter, nuisance and water contamination)	Vehicle not in control of registered owner (stolen or being driven with permission).	Incorrect person (b)		* PIN may be reissued to the person nominated on the statutory declaration.	Statutory declaration nominating driver, or copy of police report for stolen vehicle.	WEH4
ENVIRONMENT/ HEALTH	PIN issued stating incorrect details (incorrect alleged offender, incorrect vehicle registration, incorrect location address, incorrect offence code, incorrect time or other detail recorded on the PIN).	Offence did not occur (a)	Mistaken fact	* PIN may be reissued correctly if appropriate.	As relevant.	WEH5
WATER	Water or service used for firefighting purposes.	Mitigating Circumstance (c)	Fire event	PIN withdrawn where proof of fire is available	Insurance or fire department verification.	WW1

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<b>WATER</b>	Serious medical circumstance (accident, emergency attendance, ill, sick) meant that alleged offender could not have reasonably been expected to comply with water restriction.	<b>Mitigating Circumstance (c)</b>	<b>Medical emergency</b>	* Seriousness and urgency of medical circumstance to be considered against the type of offence.	Letter from doctor / hospital detailing time and date corresponding to time of offence.	WW2
<b>WATER</b>	PIN issued stating incorrect details (incorrect alleged offender, incorrect vehicle registration, incorrect location address, incorrect offence code, incorrect time or other detail recorded on the PIN).	<b>Offence did not occur (a)</b>	<b>Administrative error</b>	* PIN may be reissued correctly if appropriate.	As relevant.	WW3
<b>WATER</b>	Not custodian of the land at time of offence.	<b>Incorrect person (b)</b>		* PIN may be reissued to the person nominated on the statutory declaration.	Statutory declaration.	WW4
<b>WATER</b>	Current owner inherited alleged issue.	<b>Incorrect person (b)</b>		* Must be substantiated by city property records.		WW5
<b>DEVELOPMENT COMPLIANCE - Building and planning offences</b>	Serious medical circumstance (accident and emergency attendance, family death, giving birth, palliative care) meant that offender could not have reasonably been expected to comply.	<b>Mitigating Circumstance (c)</b>	<b>Medical emergency</b>	Seriousness and urgency of medical circumstance to be considered against the type of offence.	Letter from doctor / hospital detailing time and date corresponding to time of offence.	WDC1
<b>DEVELOPMENT COMPLIANCE - Building and planning offences</b>	Offender away for entire notice period	<b>Mitigating Circumstance (c)</b>	<b>Other</b>	Alleged offence occurred. Notice issued to a person to comply by a certain date. Person away for the entire period.	Travel documentation.	WDC2
<b>DEVELOPMENT COMPLIANCE - Building and planning offences</b>	PIN issued stating incorrect details (incorrect alleged offender, incorrect location address, incorrect offence code, incorrect time or other detail recorded on the PIN).	<b>Offence did not occur (a)</b>	<b>Administrative error</b>	* PIN may be reissued correctly if appropriate.	As relevant.	WDC3
<b>DEVELOPMENT COMPLIANCE - Building and planning offences</b>	Not custodian of the land at time of offence.	<b>Incorrect person (b)</b>		* PIN may be reissued to the person nominated on the statutory declaration.	Statutory declaration.	WDC4

PIN TYPE	CIRCUMSTANCE	CATEGORY [5.1.2.1 a or b or c	SUB-CATEGORY	CONDITIONS / EXCEPTIONS	SUPPORTING DOCUMENTATION TO BE PROVIDED	Reason Code for LGP Pathway
<b>PLUMBING AND DRAINAGE</b>	Serious medical circumstance (accident and emergency attendance, family death, giving birth, palliative care) meant that offender could not have reasonably been expected to comply.	<b>Mitigating Circumstance (c)</b>	<b>Medical emergency</b>	Seriousness and urgency of medical circumstance to be considered against the type of offence.	Letter from doctor / hospital detailing time and date corresponding to time of offence.	WPD1
<b>PLUMBING AND DRAINAGE</b>	Offender away for entire notice period.	<b>Mitigating Circumstance (c)</b>	<b>Other</b>	Alleged offence occurred. Notice issued to a person to comply by a certain date. Person away for the entire period.	Travel documentation.	WPD2
<b>PLUMBING AND DRAINAGE</b>	Elements of the offence were not met beyond reasonable doubt.	<b>Offence did not occur (a)</b>	<b>Mistaken fact</b>	Only where the officer's evidence is not compelling.	As relevant.	WPD3
<b>PLUMBING AND DRAINAGE</b>	PIN issued stating incorrect details (incorrect alleged offender, incorrect location address, incorrect offence code, incorrect time or other detail recorded on the PIN).	<b>Offence did not occur (a)</b>	<b>Administrative error</b>	PIN may be reissued correctly if appropriate	As relevant.	WPD4
<b>PLUMBING AND DRAINAGE</b>	Not custodian of the land at time of offence.	<b>Incorrect person (b)</b>		PIN may be reissued to the person nominated on the statutory declaration.	Statutory declaration.	WPD5
<b>PLUMBING AND DRAINAGE</b>	Offender was granted an extension or waiver by another area of Council and assumed that the extension or waiver applied to all enforcement action in relation to the property	<b>Mitigating Circumstances (c)</b>	<b>Other</b>	Alleged offence occurred. Notice issued to a person to comply by a certain date. Person was granted an extension of time or waiver by another section of Council in relation to other enforcement actions and thought it applied to all enforcement action.	A copy of letter granting extension or waiver from relevant Council area.	WPD6

Penalty Infringement Notice Review Policy  
Attachment C – Insufficient Grounds for Withdrawal

PIN TYPE	CIRCUMSTANCE	NOTE	REASON CODE LGP PATHWAY
ALL	No specific grounds but unable to pay fine for financial reasons.	* Refer to payment plan option. * An exception to this may be considered under compassionate grounds where multiple tickets have been issued for the same offence. See relevant circumstances in Attachment A.	UA1
PARKING	Delayed medical appointment / parking in disabled parking bay due to temporary medical condition / urgent need to use toilet.		UP1
PARKING	Didn't know / there should be signs or more signs or didn't see sign / should have been warned / didn't cause any harm / was only there momentarily.		UP2
PARKING	User error when making payment at parking machine e.g. not completing transaction, entering incorrect vehicle registration number.		UP3
PARKING	Holder of disabled parking permit not having it displayed when parking in a disabled parking bay (all second and subsequent offences as per council resolution <b>G13.0528.016</b> ).		UP4
PARKING	Holder of parking permit not having it displayed when parking in the permit area (all second and subsequent offences).		UP5
ANIMAL CONTROL - REGISTRATION	Animal deceased shortly after registration expired.	* An exception to this may be considered where there is proof that the animal had been ill and was not expected to survive.	UAM1
ANIMAL CONTROL - REGISTRATION	Claims payment made but without sufficient proof (Cheque butt or photocopy of cheque is insufficient proof).		UAM2
ANIMAL CONTROL - REGISTRATION	Did not know dog had to be registered, or that a permit was required	* An exception to this may be considered under compassionate grounds where multiple tickets have been issued for the same offence. See relevant circumstances in Attachment A.	UAM3
ANIMAL CONTROL (other, non-registration offences)	Have since complied with requirements.	* An exception to this may be considered under compassionate grounds where multiple tickets have been issued for the same offence. See relevant circumstances in Attachment A.	UAM4
ANIMAL CONTROL (other, non-registration offences)	Offence was only momentary, not sustained.	* An exception to this may be considered under compassionate grounds where multiple tickets have been issued for the same offence. See relevant circumstances in Attachment A.	UAM5
ANIMAL CONTROL (other, non-registration offences)	Animal was under effective control despite not being on lead, or, animal was in the water.		UAM6
ANIMAL CONTROL (other, non-registration offences)	Did not know it was an offence.		UAM7
ENVIRONMENT/ HEALTH (litter, nuisance and water contamination)	Ignorance / no warnings / didn't cause any harm / was only there momentarily.		UEH1

Penalty Infringement Notice Review Policy  
Attachment C – Insufficient Grounds for Withdrawal

PIN TYPE	CIRCUMSTANCE	NOTE	REASON CODE LGP PATHWAY
<b>ENVIRONMENT/ HEALTH (litter, nuisance and water contamination)</b>	Believes material that biodegrades (apple core, banana skin) is not 'litter'.		UEH2
<b>PLUMBING AND DRAINAGE</b>	Did not know it was an offence.		UPD1
<b>PLUMBING AND DRAINAGE</b>	Have remedied the non-complying work.		UPD2
<b>PLUMBING AND DRAINAGE</b>	Have since obtained a permit.		UPD3
<b>DEVELOPMENT COMPLIANCE</b>	Didn't know a development permit was required.		UDC1
<b>DEVELOPMENT COMPLIANCE</b>	Have since obtained the relevant development permit.		UDC2
<b>DEVELOPMENT COMPLIANCE</b>	Have now remedied the commission of the offence.		UDC3