

Request to appeal an infringement notice

Council of the City of Gold Coast
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An appeal can be submitted by completing this form or online at cityofgoldcoast.com.au/appealafine
Please read the appeal information overleaf before completing the form.

FOR PARKING RELATED infringements please see separate application form – Request to appeal a parking fine

Please use BLOCK LETTERS and complete all details in full.

The person making the application should be the person issued with the infringement notice or an authorised agent (evidence must be provided of this authority).

Privacy statement

In order to assess your request Council of the City of Gold Coast is collecting your personal information in accordance with *Local Government Act 2009*. This information will only be used by authorised officers for the purpose of assessing your request. Your information will not be given to any other person or agency unless you have given us permission or we are required or allowed to by law.

APPLICANT DETAILS

Name			
Postal address			
Suburb		Postcode	
Phone (mobile)		Phone (business hours)	
Email			
Preferred method to receive communication	<input type="checkbox"/> Email <input type="checkbox"/> Post		

INFRINGEMENT NOTICE DETAILS *

Infringement notice number		Date of notice	
Offence code		Vehicle registration number (if applicable)	

* If you do not have the above information, please call us on 07 5582 8211.

GROUND FOR APPEAL REQUEST

Please indicate the relevant grounds for your request by ticking the relevant box and providing further information below.					
Elements of offence not met – if it is believed the facts concerning the alleged offence are incorrect, or the details have been incorrectly recorded on the infringement, then the basis for making this claim is to be provided and explained. All relevant or supporting evidence is to be attached – see information overleaf for specific evidence requirements.					
<input type="checkbox"/>	Mistaken fact	<input type="checkbox"/>	Administration error	<input type="checkbox"/>	Other circumstances
Nominate another person e.g driver / land owner – a Statutory Declaration is to be provided with the name and address of the person in control of the vehicle / land / animal; copy of disposal notice; and/or police report attached (whichever is applicable).					
<input type="checkbox"/>	Vehicle / land / animal under control of another person		<input type="checkbox"/>	Vehicle stolen	
Mitigating circumstances – details are to be provided outlining circumstances of why committing an offence was unavoidable. Copies of supporting documentation (medical certificate, towing invoice, valid permits) to be attached along with a Statutory Declaration form where applicable – see information overleaf for specific evidence requirements.					
<input type="checkbox"/>	Medical emergency	<input type="checkbox"/>	Mechanical breakdown	<input type="checkbox"/>	Other circumstances

Authority to proceed with review of appeal		
Applicant signature		Date

Appeal an infringement notice

If you have received an infringement notice and feel that it was an error or that there were exceptional circumstances, you can apply to have the infringement notice reviewed. Prior to making an application you are encouraged to read the below information.

For parking related offences and appeals please go to our appeal a parking fine page on the **City website**.

An appeal must be submitted:

- by the person who received the infringement notice unless another person or agent is authorised to act on the person's behalf (evidence must be provided by authority)
- prior to payment of the fine and prior to the due date
- by completing this form or online at cityofgoldcoast.com.au/appealafine and attaching all relevant supporting evidence.

Applications for an appeal must be made in the approved form and have all necessary evidence attached.

Reasons for appeal

A request for an appeal must be based on one of the following grounds:

1. **Elements of offence not met** – if you believe the facts concerning the alleged offence are incorrect. All relevant supporting evidence must be attached.
2. **Incorrect person named as offender** – if the vehicle / land / animal involved in the offence was not in your control at the time. This requires the completion of a Statutory Declaration with the name and address of the person in control of the vehicle / land / animal and / or a copy of the disposal notice or police report attached.
3. **Mitigating circumstances** – if committing the offence was unavoidable such as a medical emergency occurred. Any relevant supporting evidence must be attached such as a medical certificate.

Infringement notices will not be withdrawn for the following reasons:

- financial hardship (for fines over \$200 you may apply to pay in instalments)
- being unaware of the law or not seeing a sign
- disagreeing with the law – you feel the offence is trivial or did not cause a problem to anyone
- forgetting to pay a registration / permit fee
- dog was under control despite not being on a leash
- not knowing that a permit was required
- having since complied with a notice or obtained a permit
- emergency works that do not fall within the definition and required action of emergency works (section 166 of *Planning Act 2016*)

Evidence

Depending on the type of infringement notice issued, you should include the following evidence with your application:

- a copy of the infringement notice (or at least the number), vehicle registration number, date and time of incident
- grounds for any legal defence or detail of exceptional circumstances
- detail of the error on the infringement notice
- photographs or diagrams
- a copy of valid permits
- written advice or crime report from Queensland Police Service
- medical certificate

How to submit an appeal

Appeals will only be accepted if submitted online at cityofgoldcoast.com.au/appealafine or on this form with all relevant supporting evidence attached.

Forms can be submitted by post or email (see front page of form for details) or at any Customer Service Centre – see cityofgoldcoast.com.au/contactus for details.

An appeal must be made prior to payment of the fine, prior to the due date and by the person who received the infringement notice unless another person or agent is authorised to act on the person's behalf (evidence of this authority must be provided).

What happens after you submit an appeal?

Once your completed application is received, your infringement notice will be placed on hold. This means that no payment is necessary while we review your application. You will be notified of the decision within 45 business days. If your infringement notice is withdrawn no further action from you is necessary. If your infringement notice is upheld you will be given 28 days to pay the fine.

Further information is available at cityofgoldcoast.com.au/appealafine

OFFICE USE ONLY			
Date received		Fee paid	
Received by		Receipt number	
Business partner name		Account number	
Business partner number		AMS code	<i>(if applicable)</i>