

WITHDRAWAL OR UPHOLDING OF INFRINGEMENTS

Previous policy number: 1.3.2

Policy Statement

To ensure the process for the withdrawal of infringement notices achieves business efficiency and is fair, and unbiased.

Policy Details

The Policy Principles are set to achieve business efficiency and a fair and unbiased process. Where a person in receipt of an Infringement Notice considers that the Notice has been incorrectly issued or the alleged offence has been committed under extenuating circumstances, an application for withdrawal of the Infringement Notice should be submitted for consideration by the Chief Executive Officer.

The Chief Executive Officer may refuse the application or may approve the withdrawal of an infringement where:

- 1) The infringement has been issued in error or incorrectly;
- 2) The information contained in the infringement notice for the breach of a local law contains an error/s;
- 3) The reasons provided by the applicant in support of the requested withdrawal of the infringement are considered to be reasonable in the opinion of the CEO and the CEO is satisfied that non-compliance which resulted in the infringement is not a blatant disregard of the Town's local laws

At all times

- i. the CEO may refer the application for withdrawal of the infringement to Council for consideration; and
- ii. an applicant may request the matter to be referred to Council for consideration when making the request to have the infringement withdrawn.

Once reconsidered under this policy any further consideration of the infringement occurs in the court system.

Definitions

Nil.

Governance References

Statutory Compliance	<i>Litter Act 1979 & Litter Regulations 1981</i>
Organisational Compliance	<p>Town of Mosman Park Local Laws titled:</p> <p>Parking and Parking Facilities Local Law 2012</p> <p>Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law 2012</p> <p>Signs, Hoardings and Bill Postings Local Law 1994 and Amendments Local Law 2000;</p> <p>Dogs Local Law 2012;</p> <p>Keeping of Bees Local Law and Amendments Local Law 2000;</p> <p>Local Law relating to Floodlights and other Exterior Lights 1998;</p> <p>Local Laws relating to Fencing 2004</p>

Policy Administration

Directorate:		Officer title:	
Planning and Regulatory Services		Executive Manager Planning and Regulatory Services	
Next Review		Review Cycle	
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1	23 March 2010	OCM-072-2010	
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3			
4			

