

## Fact Sheet

# Review of Infringements

**Council can only accept payment or a request for review prior to the infringement being referred to the State Penalties Enforcement Registry (SPER).**

### How do I pay the infringement?

You can pay the infringement by mail, in person, online or over the phone. Ensure you have the infringement number (located on the ticket) for payment.

- **Mail:** Return the notice with the full amount owing to the Chief Executive Officer, PO Box 191, Ipswich QLD 4305.
- **Pay in person:** Present your infringement notice at 1 Nicholas Street, Ipswich between 8.30 am and 4.30 pm, Monday to Friday.
- **Online:** Follow the links at [Ipswich.qld.gov.au](http://Ipswich.qld.gov.au) (any time after three business days from the date of the notice) to use your MasterCard or Visa.
- **Telephone:** Call 1300 276 468 (any time after three business days from the date of the notice) with your MasterCard or Visa.
- Infringements over \$200 may be paid off in instalments. The relevant section on the back of the infringement must be completed and returned to council with a minimum payment of \$60. The balance of the infringement will then be lodged directly to SPER without incurring additional charges.

### Can I request a review if I believe the infringement has been issued incorrectly?

Yes, but only if you are the named recipient of the infringement or an authorised representative of a company to whom an infringement was issued. A third party may also request a review, however, council will require written authorisation to correspond with the

third party from the named recipient or the authorised representative of the company. You will be required to provide a written request or completed Infringement Review Request Form.

The written request or form should state the facts, reasons or further evidence that supports the commencement of a review.

Council may request further supporting evidence or a Statutory Declaration if required.

### Another person was driving my car at the time the parking infringement was recorded. Am I still responsible for the infringement?

Yes, but a registered owner must submit a Queensland Statutory Declaration providing the name and address of the person in charge of the vehicle at the time of the alleged offence. The Statutory Declaration must be received by council prior to the infringement being registered with SPER. The original infringement may be withdrawn and a new infringement may be issued to the nominated driver.

Please be aware that a Statutory Declaration is a written statement that is declared or sworn on oath or affirmation before a Justice of the Peace (JP) or a Commissioner for Declarations (C.Dec).

When a person makes a declaration, they are testifying that the contents of the Statutory Declaration is either true and correct or true to the best of the person's knowledge and a penalty can be issued for making a false declaration.

If the person making the declaration resides interstate, the Statutory Declaration relevant to the state/territory or a Commonwealth Statutory Declaration will be accepted.

## What is the process if the vehicle-related infringement is issued to a company?

If the driver of the vehicle wishes to state that they are responsible for the infringement, they may submit a signed and witnessed Statutory Declaration to have the infringement for the company withdrawn and reissued in their name. If the company wishes for the infringement to be reissued to an individual, a signed and witnessed Statutory Declaration must be submitted by a company representative stating their name and title in the company. The information that MUST be included in the declaration can be found on council's website at [ipswich.qld.gov.au](http://ipswich.qld.gov.au).

## Why do I need to submit a written request or completed Infringement Review Request Form in order to have an infringement reviewed?

The written request or form is for auditing purposes, to justify why council is investigating and/or making changes to an infringement.

## Can I see a photo?

Yes, for camera-detected parking infringements ONLY, a photo is sent with every Infringement Notice. For every other photo request, you may make a written request to council via e-mail, letter, MyIpswich or in person.

## How to request a review and what is required

You will be required to provide a written request or review form to council using one of the below options:

- **E-mail** – [council@ipswich.qld.gov.au](mailto:council@ipswich.qld.gov.au)
- **Letter** – PO Box 191, IPSWICH QLD 4305
- **MyIpswich** – [myipswich.com](http://myipswich.com)
- **In person** – 1 Nicholas Street, Ipswich

An Infringement Review Request Form and associated information regarding infringements can be obtained via council's website at [ipswich.qld.gov.au](http://ipswich.qld.gov.au).

Please note the following information is required to be included in a request for review. Without this information a review may not progress:

- infringement number
- applicant's name
- applicant's postal address
- applicant's phone number/s
- applicant's email address
- applicant's date of birth
- name of recipient (if different from applicant)
- property address the infringement relates to (if different to applicant)
- facts, circumstances and reason why you believe the infringement should be considered for withdrawal
- supporting information if applicable – refer to information on this fact sheet.

**The review of an infringement will only be conducted once.**

## How do I opt for a Magistrates Court hearing?

Complete the reverse side of the infringement by selecting the appropriate action and completing your details in the provided space. Return the infringement to council and wait for a court summons. If you are no longer in possession of the original infringement, you must request in writing that the matter be referred to court, including your signature, current address and phone number.

## What happens if I do nothing?

As a courtesy, council will send you a reminder notice if the infringement is not paid, court elected or a review request is not received within 28 days of the infringement issue date. If payment, an election for court or a request for review is not received within 28 days of the reminder notice being issued, the infringement will be referred to SPER. Any additional costs incurred by council conducting searches to ascertain registered owner information will be added to the total amount of the infringement upon lodgement with SPER. Once the matter has been referred to SPER council will no longer be involved in the matter and you will be pursued by SPER for the amount of the infringement and any additional charges. Once an infringement has been submitted to SPER council will only undertake a review of the infringement under exceptional circumstances. For more information about SPER, please visit their website [qld.gov.au/law/finest-and-penalties/state-penalties-enforcement-registry](http://qld.gov.au/law/finest-and-penalties/state-penalties-enforcement-registry)

## Parking Infringements

All parking infringements are issued in accordance with Ipswich City Council's Local Laws and the *Transport Operations (Road Use Management) Act 2009*.

A parking infringement may be considered for withdrawal for the following reasons:

**Medical emergency** – In this situation, a medical certificate or a letter from a medical professional is required as supporting documentation. A submission from a medical professional must explain why the applicant was in a position where the relevant legislation was breached. If the applicant is not named on the documentation i.e. was not the person experiencing the medical emergency, supporting information from the medical professional must be included to explain why the applicant was involved. If this information is not possible, a Statutory Declaration or birth certificate will be sufficient to show the relationship between the parties.

**Motor vehicle breakdown** – A vehicle breakdown occurred and reasonable actions were taken to minimise the risk to public safety and move the vehicle in a timely manner. Supporting information such as a towing invoice, written statement from the vehicle owner's insurer or a Statutory Declaration is required.

**Valid parking permit** – A valid parking permit (such as a disability parking permit) must be produced in instances where the vehicle would not have been issued with an infringement had the permit been affixed to the vehicle. Withdrawal of an infringement under this criteria will only be allowed once for each applicant.

**Error or fault with parking meter or signage** – In this situation, a signed and witnessed Statutory Declaration describing the nature of the error or fault and how that contributed to the offence may be required.

**At the time of the offence, the vehicle was being used illegally or was sold or otherwise disposed of** – In this situation, a signed and witnessed Statutory Declaration describing the circumstances and providing relevant documentation is required. Alternatively visit council's website ([Ipswich.qld.gov.au](http://Ipswich.qld.gov.au)) to obtain a blank Statutory Declaration.

**Emergency situation** – The person who received the infringement was involved in an emergency situation where the infringement couldn't be avoided. Proof of the emergency is required (i.e. doctor's certificate, Statutory Declaration, police report number, etc.)

**Parking was paid** – The driver failed to display the valid parking ticket. Proof of payment or a copy of the valid parking ticket is required and withdrawal of an infringement under this criteria will only be allowed once for each applicant.

The following grounds of appeal are not considered valid reasons for withdrawal of a parking infringement notice:

- never receiving an infringement before
- not noticing/forgetting to read a sign
- left vehicle to get coins to put in meter/ticket machine
- being unable to read the sign from the front seat of the car
- not noticing that a sign/restriction has been changed
- being delayed at an appointment
- stopping illegally whilst waiting for another vehicle to vacate a parking bay
- stopping longer than permitted in a loading zone to collect a sick child from school
- poor visibility due to weather
- not having change to put in meter/ticket machine
- reading only part of a multi-panel sign
- being new to the area and unfamiliar with the restrictions (this applies regardless of whether the driver is from interstate or overseas)
- running late or being in a hurry
- stopping for a short time in a prohibited area (for example; stopping in a 'no stopping' area even if it's just to pick up or drop off passengers or goods)
- stopping illegally whilst waiting for traffic to pass before performing a u-turn.