

<b>Version Control and Objective ID</b>	Version No: 1	Objective ID:
<b>Approved by Council on</b>		
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**1. Statement**

Ipswich City Council (Council) will provide logical, reasonable, unbiased and transparent decision making of all written applications received requesting a review of a statutory decision including penalty infringement notices.

**2. Purpose and Principles**

This policy guides Council's decision making based on criteria for consideration in any written application for an infringement to be withdrawn.

Council will achieve its commitment to address this policy as follows:

- The decision maker will possess sound understanding of current legislation relating to the alleged offence;
- The decision maker will be compliant with internal policies, procedures and work instructions;
- Decisions will be transparent and consistent in accordance with good governance practice;
- Decisions will not be reviewed by the person who made the original decision.

**3. Strategic Plan Links**

- Listening, Leading and Financial Management

**4. Regulatory Authority**

- *State Penalties Enforcement Act 1999*
- *State Penalties Enforcement Regulation 2014*

**5. Scope**

This policy applies to the management of withdrawing an infringement or additional charges that have been applied to the rates of a property, by the decision maker taking into consideration all facts presented.

**6. Roles and Responsibilities**

The Chief Executive Officer or the decision maker recognises that at the time a Penalty Infringement Notice (PIN) is issued or property charges are added, not all of the facts and circumstances surrounding the alleged offence are known to the issuing officer. These facts and circumstances may be sufficient for an infringement or property charge to be withdrawn provided certain criteria exists.

Applications for withdrawal of infringement notices or removal of property charges shall be in writing, including all details, circumstances and information necessary to allow a logical, reasonable and transparent decision to be made.

If the named alleged offender was not responsible for committing a vehicle related offence then a Statutory Declaration is required detailing the circumstances and providing the full name and address of the person responsible.

If insufficient or unclear information is provided by the applicant, Council may request clarification, further information or the application to be provided on a Statutory Declaration. In certain instances it may be necessary for Council to contact any named witnesses within an application.

Decisions made to withdraw an infringement or clearing charges will be in conjunction with the criteria as outlined in the Review of Statutory Decisions Including Penalty Infringement Notices Procedure.

## **7. Key Stakeholders**

- Legal and Governance Branch
- Regulatory Services Department
- Finance Branch
- CEO's Office

## **8. Monitoring and Evaluation**

Applications received for consideration of the withdrawal of a Penalty Infringement Notice (PIN) or removal of property charges will be assessed against this policy and the criteria provided in the Review of Statutory Decisions Including Penalty Infringement Notices Procedure.

Quarterly reporting will be provided to management outlining relevant information associated with infringement reviews undertaken.

Monthly meetings will be held with relevant stakeholders relating to compliance matters for further discussion.

## **9. Definitions**

*Decision Maker* means the Chief Executive Officer or the delegated officer

*Applicant* means a person requesting a review of the decision

*Compliance* is a behaviour. It is the adherence to relevant laws, to best-practice local government management, principles of good governance, accepted community and ethical standards, and voluntary agreements that Council has entered in to.

## **10. Policy Owner**

The General Manager (Corporate Services Department) is the policy owner and the Integrity and Complaints Manager is responsible for authoring and reviewing this policy.