

# Request for Withdrawal – Regulated Parking and Other Infringements.



ABN 95399253048

Telephone 1300 790 919

Email: [publicenvironments@livingstone.qld.gov.au](mailto:publicenvironments@livingstone.qld.gov.au)

*PRIVACY NOTICE: Livingstone Shire Council is collecting your personal information to provide the requested service and to update Council's records.*

This form is to be completed when requesting an infringement notice to be withdrawn. This request must be completed by the person issued with the infringement notice and lodged with Council within 28 Days of the Infringement notice issue date.

<b>Applicant Details</b> <i>(the applicant must be the person named on the infringement notice)</i>			
<b>Applicant's Name:</b>			
<b>Business Name:</b>			
<b>Residential Address:</b>			
<b>Postal Address:</b>			
<b>Contact Number:</b>			
<b>Email:</b>			
<b>Infringement Details</b>			
<b>Infringement Number:</b>		<b>Offence Date:</b>	
<b>Vehicle registration number/animal registration number (if applicable):</b>			
<b>Offence as stated on Notice:</b>			
<b>Details of Request for Withdrawal</b> – refer to Guidelines – if you require more space, please attach another sheet			
<b>Declaration of Applicant</b>			
I hereby declare that the information provided by me on this form is true and correct in every respect and I hereby request a review of the above penalty infringement notice/s.			
Have you read and do you understand the guidelines detailed on fact sheet? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Signature:</b>		<b>Date:</b>	
<b>Supporting Documents</b>			
Complete forms, evidence, and statutory declarations (if required) can be submitted to Council via email, mail or to our customer service centers.			
<input type="checkbox"/> Evidence attached (evidence to support your application must be attached for a review to be considered).			
<input type="checkbox"/> Statutory Declaration attached (if required).			



## Penalty Infringement Withdrawal Guidelines

### Important Information

- Please read all information carefully and complete all relevant sections contained in this form to lodge an appeal.
- **Please note completion of this form does not guarantee waiver of the infringement notice.**
- A Statutory Declaration form can be obtained at: <https://www.publications.qld.gov.au/dataset/statutory-declaration>

### Providing Evidence and Additional Support Information

It is important that sufficient support evidence is provided/attached when the request to waiver is lodged. This support evidence assists council in making an informed decision.

- Photographs or diagrams, copies of receipts for repair or towage or payment of parking.
- Copies of medical certificates or other proof to support your case
- **Statutory Declarations** *must* be completed for the following:
  - Advising the vehicle has been sold (copy of transfer papers or receipt of sale must be provided).
  - Advising illegal use – written advice or crime report from the Queensland Police Service must be provided
  - If you were not the driver of the vehicle, nominating who the driver was at the time the infringement notice was issued. Include the name, address and contact details of the driver.
  - You are unable to supply supporting documentation (receipts, medical certificates, or other proof to support your case).

### Waiver/Withdrawal of an Infringement

An infringement may be waived or withdrawn in the following circumstances:

- **The elements of the offence were not met**  
Circumstances may include where an infringement contains incorrect information or was not issued correctly, or the issuing of the infringement was based on mistake of fact.
- **A person has been incorrectly named as the alleged offender.**  
This typically occurs when an infringement is issued to the registered owner of a vehicle, and that person was not in control of the vehicle at the time the offence occurred.
- **A reasonable excuse**  
The affected person has a reasonable excuse for not complying with the relevant provisions of the law (example a medical emergency)  
The affected person was unable to comply with the relevant provisions of the law due to a circumstance outside of their control (example regulatory signage removed /damaged).
- **Incorrect details** - Examples: Date of infringement, vehicle registration
- **Medical emergencies** - Appointment was delayed for oncology or dialysis treatment.
- **Vehicle malfunctions** - Engine break down, broken axel, power failure.

### In addition to the above, PINs will generally not be withdrawn for the following reasons:

- Being unaware of the law or not seeing the sign.
- Disagreeing with the law. You may feel the offence for which the infringement notice has been issued is too trivial or did not cause hazard.
- Appointment was delayed (excluding oncology or dialysis)
- Stopped briefly in restricted zone

### Financial Hardship

- The inability to pay for an infringement (financial hardship) would not be considered a reason for waiver. The review officer may offer an extension of time in which to finalise payment of the infringement or ability to enter a voluntary instalment plan with State Penalties Enforcement Registry for Infringements over \$200.00.