

Application to Withdraw Infringement Notice (Animal Management)

Under the *Monetary Penalties Enforcement Act 2005*, you can request withdrawal of your infringement notice by applying to the issuing authority (Glenorchy City Council) who will then conduct a review of your application.

Please read the information below carefully to assist you in completing the application. You can only make one application for review. Please ensure that you have included all the required information and documentation before submitting your application.

Please Note:

- Your application is likely to be rejected if your given reason for requesting withdrawal does not meet any of the relevant criteria.

Circumstances That Are Not Typically Considered for Withdrawal

Withdrawal of an infringement notice is generally not considered in the following circumstances:

- an animal escaped due to fence maintenance or an accidental escape
- a person failed to apply for a licence or register your dog due to a non-exceptional circumstance (see below for what qualifies as an "exceptional circumstance")
- Glenorchy City Council is aware of previous similar breaches of relevant laws or regulations.

Circumstances That May Be Considered for Withdrawal

An application for withdrawal may be considered if one or more of the following apply:

- An infringement notice was issued *contrary to law* (e.g., no offence was committed, or the notice was issued in error)
- There were *exceptional circumstances* outside your control that directly contributed to the offence (e.g., a medical emergency involving serious injury or life-threatening illness)
- If an animal attacked:
 - there is supporting evidence that your animal was provoked, teased, abused, or assaulted, or
 - there is supporting evidence that your dog acted in reasonable defence of a person or property, or
 - the dog involved was a working or hunting dog actively engaged in work or hunting activities at the time.

Owner of an Animal (dog or other)

Animal Infringements are issued to the owner or person in charge of an animal. In accordance with Tasmanian legislation, the recipient of an infringement notice may apply for withdrawal.

If the infringement relates to an unregistered dog, the owner of an animal is:

- In the case of a registered dog: the registered owner,
 - in the case of an unregistered dog: the person who ordinarily keeps the dog; or
 - in the case of a child's pet: the child's parent, or guardian.
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If the infringement relates to an animal at large (roaming), the owner of an animal is:

- the owner or person in charge of the animal.

If the infringement relates to a dog attack, the owner of an animal is:

- the person who apparently has/had control of the dog at the relevant time.

Supporting Documentation

You should provide documentation to support your application for withdrawal.

For example, a medical emergency will require a letter from the hospital or treating medical practitioner confirming the events of the emergency. You should also provide a written statement outlining any reasons for applying for withdrawal.

Review Process

Upon receipt of your Application to Withdraw Infringement Notice, Glenorchy City Council will commence a review of your application and the infringement notice. Information taken into consideration may include:

- Information provided by the issuing officer
- Evidence collected and held at Glenorchy City Council, which includes, but may not be limited to, investigation file notes, photographic evidence, witness statements, dog owner statements, completed statutory declarations, veterinary and medical accounts and reports, Council's animal registry and database
- Reasons and supporting documentation provided by you
- Any relevant legislation
- Council policies and procedures.

When a decision has been made, you will receive a written response advising you of the outcome.

The outcome of your application is final. If your application is refused you may:

- Pay the infringement notice in full
- Apply for a payment arrangement
- Elect to have the matter heard and determined by a court.

Electing a Court Hearing

If you wish to elect to have the matter heard and determined by a court, you must complete and submit a Notice to Election for a Court Hearing form with Council.

This form is available on the Glenorchy City Council website or at Council's Customer Service Centre. Once submitted, the matter will be reviewed by Council. Please note that you may be issued a summons to attend court as part of this process.

Please be aware, additional costs may be incurred if the matter is referred to court.

Apply for a Payment Arrangement

The form for applying to enter a payment arrangement for infringements is available on the Glenorchy City Council webpage or at Council's Customer Service Centre.

Application to Withdraw Infringement Notice

Surname: _____ Given Name _____

Address: _____ Date of Birth: ____ / ____ / ____

Phone: _____ Email Address: _____

Infringement No. _____ Date of Offence: ____ / ____ / ____

Address where dog is kept or registered to: _____

Please provide clear reasons why you are requesting withdrawal of the Infringement Notice

Declaration:

I declare that the information I have completed on this form is truthful and correct.

Full Name: _____

Signature: _____ Date: ____ / ____ / ____

PRIVACY NOTICE:

Council collects personal information to carry out its operations as a Tasmanian Local Government. This personal information may be used for other purposes permitted by law. The information may be shared with contractors and agents of the Council for this purpose, law enforcement agencies, courts and other organisations.

You do not have to provide your personal information but if full information is not provided the Council may be unable to action your application or request.

You can find out more about how the Council manages personal information and how you can request access or corrections to it in the Council's Privacy Policy available on the Council website or on request. By signing I authorise Glenorchy City Council to update my details listed within this form.

Lodgement of Application

Completed applications and supporting documentation can be submitted by:

Email: gccmail@gcc.tas.gov.au

Post: The Chief Executive Officer, Glenorchy City Council, PO Box 103, Glenorchy TAS 7010

Hand Delivered: Council's Customer Service Centre, 374 Main Road, Glenorchy TAS 7010
