



2.5.3 Collection of Outstanding Infringement Notices

Background & Issues

From time-to-time, Authorised Officers may issue Infringement Notices pursuant to legislation. The Policy is to be used to collect outstanding Infringements or Infringements that have been appealed within the specified periods.

Objectives

1. To provide guidelines for staff that assist in ensuring any Infringement Notice issued by Authorised Officers are collected in a consistent and timely manner.
2. To provide guidelines for staff when an Infringement Notice has been appealed within 28 days of issue.

Area of Application

All Infringement Notices issued by Authorised Officers of the Shire of Manjimup. This policy applies to infringements issued under the *Bush Fires Act 1954*, *Cat Act 2011*, *Dog Act 1979*, *Litter Act 1979*, *Local Government Act 1995*, and *Planning & Development Act 2005*.

Policy Measures

1. All Infringement Notices issued by Authorised Officers shall be recorded in the Shire of Manjimup operating system effective from the date of issue.
2. All Infringement Notices issued are deemed to be overdue following a period of twenty-eight (28) days from the date of issue of the original Infringement.
3. If an appeal is received within twenty-eight (28) days from the date of issue of the original Infringement, staff shall deal with that appeal as per the Appeal Procedure for Infringements outlined in this Policy.
4. If payment has not been forthcoming within the specified period, the Authorised Officer shall issue a Final Demand Notice with any associated fees, giving the Infringed person a further twenty-eight (28) days to pay.
5. If payment has not been forthcoming within the specified period associated with the Final Demand Notice, the Authorised Officer may forward the Infringement to the Fines and Enforcement Registry of the Department of Justice or proceed to prosecution.

Appeals Procedure for Infringements

1. If an appeal against an Infringement Notice is received within the prescribed period, the issuing officer* of that Infringement shall call a meeting of the "Infringement Appeals Committee".
2. The "Infringement Appeals Committee" shall consist of one member of the Senior Management Team (the Director or Manager of the issuing officer cannot be a member of the Infringement Appeals Committee) and two members of staff from

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outside of the issuing officer's department. (The issuing officer* is not a member of the committee but may be invited by the committee to give evidence).

3. The Infringement Appeals Committee is to consider the merits of the appeal and make a recommendation to uphold or decline the appeal.
4. The final appeal outcome is to be determined by the Chief Executive Officer.
5. If the appeal is unsuccessful, the collection or prosecution is to follow in accordance with the procedure listed above in this Policy, after the infringed person is notified of the outcome in writing by a Shire Officer from the relevant department. If an infringement is upheld, the appellant is to pay within 28 days from the date of notification.
6. If the appeal is successful, a Shire Officer from the relevant department is to withdraw the Infringement and notify the infringed person of the outcome in writing.

**For the purposes of the appeal of a modified penalty issued under the Planning and Development Act 2005 the "issuing officer" can be a Planning Officer.*

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The Administration of this Policy is by Office of CEO