

# Bush fire infringement appeal form

PO Box 96, Toodyay WA 6566 / P: 9574 9300 / F: 9574 2158 / records@toodyay.wa.gov.au

Infringement Number: \_\_\_\_\_ Date of notice: \_\_\_\_/\_\_\_\_/\_\_\_\_

Full name of alleged offender: \_\_\_\_\_

Address: \_\_\_\_\_

Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

Postal address (if different from property address): \_\_\_\_\_

Email: \_\_\_\_\_

Phone (home/mobile): \_\_\_\_\_ Phone (work): \_\_\_\_\_

**Infringements may be withdrawn in the following circumstances (supporting documentation must be provided). Please tick the circumstance that existed at the time the bush fire infringement was issued and provide further details in the section below.**

- Recent purchase of property - Settlement within 14 days from the commencement of bush fire season/inspection date. Special circumstances.
- Please provide information in writing and supporting evidence. Conditions provided overleaf.

**NOTE: FAILURE TO PAY OR APPEAL YOUR INFRINGEMENT WITHIN 28 DAYS OF ISSUE MAY RESULT IN ADDITIONAL PENALTY COSTS**

Signature of alleged offender: \_\_\_\_\_ Date: \_\_\_\_\_

Please forward this completed form, together with supporting documentation to;

**Chief Executive Officer,  
PO Box 96  
Toodyay WA 6566 or by email to records@toodyay.wa.gov.au**

If you have any queries regarding infringements issued by the Shire of Toodyay please visit the Shire's website – [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au) and refer to our Infringement Fact Sheet or phone Rangers on (08) 9574 9370 during office hours.

Office use only

Date received:		Officer:	
Appeal form completed:	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Date returned for completion:
Officer processing appeal:		Infringement placed on hold:	YES <input type="checkbox"/> NO <input type="checkbox"/>
Deadline for appeal review (28 days):		Referred to:	
Outcome:		Appellant advised:	YES <input type="checkbox"/> NO <input type="checkbox"/>

If you have any queries regarding infringements issued by the Shire of Toodyay please visit the Shires website – [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au) and refer to the Bush Fire Infringement Fact Sheet or phone Rangers on **(08) 9574 9370** during office hours.

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## Special circumstances

### Other than those listed overleaf;

- Recent purchase of property - Settlement within fourteen (14) days from the commencement of bush fire season/inspection date.
- The infringement was unlawful. Where an infringement notice was issued based on prima facie evidence and maybe withdrawn.
- The alleged offender has elected in writing to exercise his / her / their right to have the matter determined by a court.
- Extenuating circumstances. Such circumstances may include, but not limited to instances where the alleged offender provides evidence of an extenuating circumstance, which would have identified his/her emotional state as a factor for not meeting bush fire conditions (financial hardship or medical reasons MAY be considered under these grounds).

## Non-appealable grounds

### The circumstances where a request for appeal will not be considered include:

- The owner / occupier advises that other land / blocks or properties do not appear to be compliant.
- This is my first offence and I have always completed the required works on time.
- The owner / occupier was intending to clear the block/property at a later date.
- The owner / occupier was ill or injured at the commencement of the bush fire season.
- The owner/occupier was unaware of the bush fire season dates.
- The owner / occupier was unaware of Bush Fire Act requirements.
- The owner / occupier attempted to clear the block. The owner / occupier was away/on holiday.
- The owner / occupier moved out of the area and didn't know.
- Could not arrange for a contractor to bring the property in compliance with the Toodyay Fire-break Notice or individual Fire-break Notice prior to the commencement of the season or inspection.
- The equipment / machinery that I use to construct / maintain the fire-breaks broke prior to the due date.
- The property is managed by a Property Manager and they didn't arrange the required works.
- I own/have owned a block in a different local government and the bush fire season dates are different.
- I have not receive any fire-break correspondence prior to receiving the infringement.
- I have plans to develop the block that were delayed so I thought the block would be cleared in time.
- I used to own the block with my husband/wife/friend who used to undertake the required works and that person has passed away or otherwise no longer helps me with the block.