

Bush fire infringement fact sheet

If you have received a bush fire infringement you may choose to do one of the following:

(1) Pay the infringement

Full payment of the penalty amount may be paid to an authorised person at the Shire of Toodyay on or prior to the due date.

Part Payments are not accepted.

Infringement Payment Options:

Pay by phone

Payment can be made by Visa or MasterCard by telephoning the Shire of Toodyay administration during business hours on 9574 9300.

Pay in Person

Payment can be made by cash, cheque, debit card, Master Card or Visa.

Present infringement to the cashier at:

- **Shire of Toodyay administration office**
15 Fiennes Street,
Toodyay WA 6566
Open: Monday - Friday 8:30am to 4:30pm

Be aware that if the infringement is not paid on or prior to the due date, additional costs will be incurred if any further notices are issued.

(2) Appeal the infringement notice

If you believe you have incorrectly received an infringement notice, you have the right to appeal.

Your appeal must be in writing and should be submitted by completing the Shire of Toodyay Bush Fire Infringement Appeal Form to:

Shire of Toodyay
PO Box 96
Toodyay WA 6566
or by email to records@toodyay.wa.gov.au

To avoid additional costs, an appeal must be lodged within **28 days** from the issue date of the infringement.

- Appeals will not be accepted by phone.
- Appeal forms will be accepted in person at:
 - **Shire of Toodyay administration office**
15 Fiennes Street,
Toodyay WA 6566
Open: Monday - Friday 8:30am to 4:30pm

Details of the infringement which needs to be included in your appeal are:

- Infringement number.
- Date of notice.
- Address of property receiving the infringement.
- Name, return address and phone number.
- Photocopies of all relevant supporting documentation.
- Detailed reasons why you believe an appeal should be granted.

It is advisable to retain a copy for your own records until the matter is resolved.

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.

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If you have received a bush fire infringement you may choose to do one of the following:

- 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 received 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.

Appealable grounds

Bush fire infringement appeals will only be considered on the following grounds:

- 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 facia 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 / their emotional state as a factor for not meeting bush fire conditions (financial hardship or medical reasons MAY be considered under these grounds).

All infringements will be placed on hold once an appeal has been received and is under review. All appeals are lodged through an appeal administration system. A letter of response advising the outcome of the appeal will be provided to you.

(3) Take the matter to court

You may elect to have this alleged offence heard and determined by a Court by making application in writing to:

Chief Executive Officer
PO Box 96
Toodyay WA 6566.

On receipt of such a nomination, the Shire will make all necessary arrangements for the matter to be heard in the Magistrates' Court. Be aware that if a matter is elected to be heard by a Court a prosecution notice may be issued without any prior or further advice and additional costs maybe incurred.

If you take no action

If you choose to take no action regarding the infringement, the Shire will be required to register it with the Fines Enforcement Registry. This will result in you incurring additional costs and your driver's license and / or vehicle license may be suspended.



Administration Centre T: 9574 9300
15 Fiennes Street F: 9574 2158
PO Box 96
TOODYAY WA 6566
E: records@toodyay.wa.gov.au
W: www.Toodyay.wa.gov.au