

Council Chambers

374 Main Road
Glenorchy TAS 7010

Postal Address

PO Box 103
Glenorchy TAS 7010

Customer Service

 (03) 6216 6800
 gccmail@gcc.tas.gov.au

ABN 19 753 252 493

www.gcc.tas.gov.au

Application to Withdraw an Infringement Notice (Animal Management)

Under the Monetary Penalties Enforcement Act 2005, you may request withdrawal of an 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. Only one application may be submitted. Ensure all required information and supporting documentation are included when 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

An Application to Withdraw an Infringement Notice will generally **not** be considered favourably in the following circumstances:

- an animal escaped due to fence maintenance, inadequate fencing, fence maintenance issues, or other preventable circumstances.
- a person failed to apply for a licence or register a 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 to Withdraw an Infringement Notice **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).
- Exceptional circumstances outside your control directly contributed to the offence (e.g. a medical emergency involving serious injury or life-threatening illness).
- Where the Infringement Notice relates to an animal attack, there is supporting evidence that:
 - the animal was provoked, teased, abused, or assaulted, or
 - the dog acted in reasonable defence of a person or property, or
 - the dog was a working or hunting dog actively engaged in work or hunting activities at the time.

Owner of an animal (dog or other)

Animal related Infringement Notices issued under the Dog Control Act 2000 or Glenorchy City Council's Animal Management By-law are generally issued to the owner or person in charge of an animal.

If the Infringement Notice 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.

If the Infringement Notice relates to an animal at large (roaming), the owner of an animal is:

- the owner or person in charge of the animal.

Council Chambers

374 Main Road
Glenorchy TAS 7010

Postal Address

PO Box 103
Glenorchy TAS 7010

Customer Service

 (03) 6216 6800
 gccmail@gcc.tas.gov.au

ABN 19 753 252 493

www.gcc.tas.gov.au

Application to Withdraw Infringement Notice (Animal Management)

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

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

Supporting Documentation

You should provide documentation to support your application.

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 an 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. Council's decision on 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 of 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 into a payment arrangement for Infringement Notices is available on the Glenorchy City Council webpage or at Council's Customer Service Centre.

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

Personal Information Protection Statement

Glenorchy City Council (Council) collects personal information to process requests and carry out its everyday functions, but may choose to use it for other lawful purposes under the Personal Information Protection Act 2004.

Your personal information may be shared with Council staff, contractors, law enforcement agencies, courts and other organisations where authorised or required by law.

You do not have to provide your personal information, but if you choose not to, Council may be unable to action your application or request.

You can find out more about how Council manages personal information and how to request access or corrections to it in Council's Privacy Policy available on Council's website or by contacting gccmail@gcc.tas.gov.au.

Enquiries concerning personal information can be addressed to:

Glenorchy City Council, PO Box 103, Glenorchy, TAS, 7010

Phone: 03 6216 6800

Email: gccmail@gcc.tas.gov.au