

FACT SHEET

BUSH FIRE INFRINGEMENTS

If you have received a Bush Fire Infringement Notice you may choose to do one of the following:

Pay the Infringement

Full payment of the penalty amount may be paid to an authorised person at the Shire of Dardanup 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 phoning 9724 0000 between 8.00am and 4.00pm, Monday to Friday.

Pay Online

Look for the Pay Online link available on our website: www.dardanup.wa.gov.au/payments

Pay in Person

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

Present the Bush Fire Infringement Notice to the cashier at:

Administration Centre, Eaton
1 Council Drive, Eaton

Or Dardanup Office

3 Little Street, Dardanup

Appeal the infringement notice

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

Your appeal must be in writing and submitted to:

Shire of Dardanup

PO Box 7016, EATON, WA 6232

Or by email to records@dardanup.wa.gov.au

To avoid additional costs, an appeal must be received by the Shire of Dardanup **within 28 days** from the issue date of the Bush Fire Infringement Notice.

Appeals will not be accepted by phone.

Details of the Bush Fire infringement Notice which need to include in your appeal are:

- Infringement Notice Number;
- Date the Infringement Notice issued;

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

It is advisable to retain a copy of the infringement notice 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 blocks/properties do not appear to be cleared;
- This is my first offence and I have always cleared my block on time;
- The owner/occupier was intending to clear the block/property at a later date;
- The owner/occupier was ill 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 Fires Act requirements;
- Could not arrange for my contractor to slash the property prior to the commencement of the season or inspection;
- The owner/occupier attempted to clear the block;
- The owner/occupier was away on holidays;
- The owner/occupier moved out of the area and didn't know;
- The property is managed by a Property Manager and they didn't arrange the clearance;
- I own/have owned a block in a different local government and the bush fire season dates are different;
- 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 clear the block, that person has passed away or otherwise no longer helps me with the block.

Appealable grounds

Bush Fire Infringement Notice appeals will only be considered on the following grounds:

- Recent purchase of property - Settlement within 14 days from the commencement of bush fire season/inspection date;
- The Bush Fire Infringement Notice was unlawful. Where an infringement notice was issued based on prima facie evidence and may be withdrawn;
- The alleged offender has elected in writing to exercise his/her right to have the matter determined by a court;
- Extenuating circumstances - Such circumstances may include, but not limited to instances where the offender provides evidence of an extenuating circumstance, which would have identified his/her emotional state as a factor for not meeting bush fire conditions.

All Bush Fire Infringement Notices will be placed on hold once an appeal has been received to prevent further fees being applied during review of the appeal. All appeals are lodged and processed through an appeal administration system. A letter of response advising the outcome of the appeal will be forwarded to you.

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

Shire of Dardanup PO Box 7016

EATON, WA 6232

On receipt of an application, 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 may be incurred.

Take no action

If you choose to take no action regarding the Bush Fire Infringement Notice, the Shire of Dardanup will be required to register the infringement notice with the Fines Enforcement Registry. This will result in you incurring additional costs and your driver's licence and/or vehicle licence may be suspended.

Please be aware that if the Bush Fire Infringement Notice is not paid on or prior to the due date, additional costs will be incurred.

For more information, please contact Shire of Dardanup Ranger Services on 9724 0307.