

Bush fire infringement fact sheet

61 Broun Avenue, Morley WA 6062 | P: 9272 0622 | F: 9272 0665 | mail@bayswater.wa.gov.au | www.bayswater.wa.gov.au

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 City of Bayswater on or prior to the due date.

Part Payments are not accepted.

Infringement Payment Options:

Pay by phone

Payment can be made anytime by Visa or MasterCard by telephoning 1300 207 811. Please be advised credit card payment will incur a 0.40% surcharge.

Pay Online

Follow the prompts to pay your account on-line at www.bayswater.wa.gov.au*

Pay by Mail

Return a copy of Infringement along with a cheque or money order made out to: The City of Bayswater and mail to PO Box 467 MORLEY WA 6943.

Pay in Person

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

Present infringement to the cashier at:

- **City of Bayswater Civic Centre**
61 Broun Avenue, Morley; or
- **City of Bayswater Libraries**
(Mon - Fri 9am - 4.30pm, Sat 9am - 11am)
Bayswater Library - 25 King William Street, Bayswater
Maylands Library - The RISE, 28 Eighth Avenue, Maylands
Morley Library - 240 Walter Road West, Morley

**The maximum payment accepted by credit card in any one transaction is \$10,000.*

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 inappropriately received an infringement notice, you have the right to appeal. Your appeal must be in writing and should be submitted by completing the attached Bush Fire Infringement Appeal Form to:

City of Bayswater
PO Box 467 MORLEY WA 6943
or by email to mail@bayswater.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:
 - **City of Bayswater Civic Centre**
61 Broun Avenue, Morley; or
 - **Bayswater, Maylands and Morley Library**
Mon - Fri 9am - 4.30pm, Sat 9am - 11am
(Cash limit of \$150.00 applies).

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 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 Fire 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 holiday.
- 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 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 infringement 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 (financial hardship or medical reasons MAY be considered under these grounds).

All infringements 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.

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

City of Bayswater

PO Box 467 MORLEY WA 6943.

On receipt of such a nomination, the City 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.

4. If you take no action

If you choose to take no action regarding the infringement, the City 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.



For more information please call the City of Bayswater Ranger and Security Service during office hours on 9272 0972.