Complaint No .

MAGISTRATES COURT

#### APPLICATION TO SET ASIDE OR VARY INFRINGEMENT NOTICE PENALTY

*Monetary Penalties Enforcement Act* 2005.

I

 (full name)

of

 (street address)

 (suburb / town) (state) (postcode)

Date of birth ……../…../…….. Telephone number

Mobile number ………………………………. Email address

make application for the conviction and penalty resulting from this infringement notice to be set aside

OR

make application to have the penalty imposed by this infringement notice varied. (*Indicate if you wish to vary the monetary penalty, the demerit points or both):*

 Monetary Penalty Demerit Points Both

Infringement notice number …………………………………… Date issued……../…../

Issued by (name of state government body or local council):

Your application must be accompanied by:

a) A Statutory Declaration stating your reasons for seeking to vary the penalty. If you are seeking to set aside the conviction and penalty you should include valid and relevant reasons for not electing a court hearing at the time the notice was issued and a detailed statement of the evidence available to show that you have an arguable defence to the offence(s) alleged in the infringement notice.

 b) A copy of the original infringement notice or of the enforcement order issued by the Monetary Penalty Enforcement Service (MPES)

This application is made pursuant to Section 40(1) of the *Monetary Penalties Enforcement Act 2005*.

Dated ..…../…..../….... Applicant’s signature

*A copy of this application must be served on the state government body or local council who issued the Infringement Notice.*

NOTICE TO APPEAR

To the applicant, and to ……………………………………………………………………… .

Take notice that the above application will be heard at the Magistrates Court at

on …….../………../………. at……….. am/pm.

 **CLERK OF PETTY SESSIONS**

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Issuing Authority Use Only

Consent by issuing authority to the application Yes

Signature: on behalf of ……………………………………

Has the infringement notice been referred to MPES? Yes / No

**OATHS ACT 2001**

**STATUTORY DECLARATION**

I, …………………………………………………………………………………….

………………………………………………………………………………………

*(name, address and occupation)*

do solemnly and sincerely declare that ……………………………………………..

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*(facts)*

I make this solemn declaration under the *Oaths Act 2001*.

Declared at …………………………………………………………….

 *(place)*

on ………………………………………………………………………

 *(date)*

…………………………………………………….

*Signature*

Before me,

.…………………………………………………..

*(Justice, commissioner for declarations or*

*authorised person)*

MEMORANDUM OF SERVICE

I, ……………………………………………………….of…………………………………….

have today served……………………………………………………….of……….…………

………………………………………………………………………………………….with the following:

***Application pursuant to Section 40(1) of the Monetary Penalties Enforcement Act 2005.***

of which this is a true copy, by delivering it to him/her personally at

……………….…………………………………………………………………………………

Signed ……………………………….. / /20 .