

Application for Internal Review of an Infringement Notice

Before you begin, please note:

- Infringements will not be withdrawn because of financial hardship unless a ground for review pursuant to Special Circumstances, as defined in section 3A of the *Infringements Act 2006* (VIC), also applies (please see page over for further information).
- If you are experiencing financial hardship, and you do not have a ground for review based on special circumstances, you can apply for a payment plan or an extension of time.
- You may only apply for internal review once per infringement notice.
- Most grounds for review require additional supporting information to be provided, in addition to your written reasons.

Who is applying for review:

- Person named on the infringement notice.
- Other person with consent (Complete 'Consent -authority for third party to apply for review' below).
- Authorised company representative.

Applicant details

Applicant name: _____

Organisation name (incl ACN): _____

Current residential address: _____

Postal address (if different): _____

Phone number/s: _____

Email: _____

Infringement details

Infringement notice number: _____

Date of infringement: ____ / ____ / ____ **Infringement due date:** ____ / ____ / ____

Consent – authority for third party to apply for review

You must complete this section if another person is acting on your behalf.

I (person named in the infringement) _____

of (address) _____

consent to (name) _____

applying for an internal review on my behalf for Infringement Notice Number/s _____

Signature of person named on the infringement
Date

Signature of other person with consent to apply
Date

Grounds for review

The ability to apply for an internal review is described in Section 22 of the *Infringements Act 2006*.

Please tick one of the following grounds for review (please read descriptions below before making your selection).

- Exceptional circumstances Special circumstances Contrary to law
 Mistaken identity Person unaware Penalty reminder waiver request

I have attached additional evidence in support of my application

Please note providing supporting documentation is ordinarily required for your application to be reviewed in full. Insufficient information/supporting material will result in an unsuccessful application.

Grounds for review – descriptions

Exceptional Circumstances: You need to demonstrate a connection between incurring the infringement and the exceptional circumstances your application outlines. Exceptional circumstances are not defined in the *Infringements Act 2006 (VIC)*; however, consideration is given to incidents that are out of the ordinary, unavoidable, or unexpected and which caused you to incur the infringement. Please **attach supporting evidence** of the exceptional circumstances (for example, a letter from a doctor/admission to hospital confirming a medical emergency, tow receipt for vehicle breakdown).

Special Circumstances is defined in s 3A *Infringements Act 2006*:

You can apply on the ground of special circumstances if, at the time when you committed the offence you:

- had a mental or intellectual disability, disorder, disease or illness; OR
- had a serious addiction to drugs, alcohol or volatile substance; OR
- were homeless; OR
- were a victim survivor of family violence within the meaning of the *Family Violence Protection Act 2008*.

AND this impacted on your capacity to understand that the conduct was an offence OR control the behaviour that caused the offence.

Special circumstances also include situations where you are experiencing severe, long-term circumstances that:

- make it impracticable for you to pay or deal with the fine AND
- those circumstances do not solely or predominantly relate to your financial circumstances.

You **must** provide **supporting documentation** to demonstrate the connection between you incurring the infringement and your special circumstances in order for your application to be considered. This may for example be from:

- a doctor, psychiatrist or psychologist;
- a case worker, case manager or social worker;
- an alcohol and other drug counsellor (AOD).

Contrary to Law: Please provide the reasons why you consider that the decision to issue you with an infringement was unlawful (e.g. the Infringement was not valid).

Mistaken Identity: Please provide an explanation of why you rely on the ground of mistaken identity, together with any supporting documentation.

Person Unaware: An application made on the ground of 'person unaware' must:

- be made within 14 days of you becoming aware of the infringement notice; and
- state the grounds on which the decision should be reviewed; and
- provide your current address for service.

You should provide **documentation to support** your position that you were not aware of the infringement and when you first became aware of the infringement. Ignorance of a legal requirement is not a valid ground for this review. This for example may be a boarding pass demonstrating you were not at your residential address and therefore did not receive mail during the applicable period, documentation to demonstrate that you had changed your address with Council and/or VicRoads within 14 days of moving and a notice was sent to your previous address, or any other documentation to support your application. If your application is successful, you will be granted a further 21 days to deal with your infringement under another ground for review.

