



Please Return Form to:

City of Whittlesea
 Locked Bag 1, Bundoora MDC 3083
 Please ensure form is signed on page 4

APPLICATION FOR INTERNAL REVIEW OF INFRINGEMENT

Please read and complete all relevant parts of this form, and ensure that you (and your agent if you are using one) sign the form in the appropriate places (Boxes 3 & 13).

1 YOUR DETAILS

[NAME] _____

[ADDRESS] _____

[ADDRESS] _____

[ADDRESS] _____

2 INFRINGEMENT NOTICE DETAILS

[INFRINGEMENT NOTICE NUMBER] _____

[VEHICLE REGISTRATION*] _____

** If applicable to this application.*

3 Use this box ONLY if you have another person (or agent) representing you.

I consent to (write name of other person) _____

acting as my agent and representing me in this matter.

.....

SIGNED (By PERSON GIVING CONSENT) SIGNED (By PERSON ACTING AS AGENT)

4 The postal address that Council is to reply to about this application is:

[NAME] _____

[ADDRESS] _____

[ADDRESS] _____

[ADDRESS] _____

THE GROUNDS FOR INTERNAL REVIEW OF INFRINGEMENT.

THE GROUND FOR REVIEW IS TO BE CHOSEN FROM BOX 5, 6, 7 OR 9. TICK ONE BOX ONLY.

5 **The decision of the Issuing Officer to issue the infringement notice was contrary to law.**
You should write the reasons why the issuing of the infringement is contrary to law in Box 8.

6 **The decision by the Issuing Officer to issue the infringement notice involves a mistake of identity.** *You should write the 'basis of the mistake of identity' in Box 8.*

7 **My conduct, for which the infringement notice was served, should be excused having regard to the 'exceptional circumstances' relating to the infringement offence.**
You should write the reasons of the 'exceptional circumstances' in Box 8.

8 **THE REASON I CLAIM THAT THE ABOVE GROUND APPLIES TO MY APPLICATION IS;**

9 **Special circumstances apply to me.**
"SPECIAL CIRCUMSTANCES" ARE:

(a) a mental or intellectual disability, disorder, disease or illness where the disability, disorder, disease or illness results in the person being unable—

- (i) to understand that conduct constitutes an offence; or
- (ii) to control conduct that constitutes an offence; or

(b) a serious addiction to drugs, alcohol or a volatile substance within the meaning of section 57 of the **Drugs, Poisons and Controlled Substances Act 1981** where the serious addiction results in the person being unable—

- (i) to understand that conduct constitutes an offence; or
- (ii) to control conduct which constitutes an offence; or

(c) homelessness determined in accordance with the prescribed criteria (if any) where the homelessness results in the person being unable to control conduct which constitutes an offence.

You should provide material that supports your claim for the special circumstances. This may be a report from your psychiatrist explaining your diagnosis, treatment plan and prognosis, or a report from your Case worker or Drug Counselor. You should also provide material that shows what interventions are in place to prevent further offending.

Where you do choose to rely on special circumstances as a ground for internal review and the Council does not withdraw the infringement, the matter must be referred to the Magistrates' Court for hearing.

If the offending has not stopped or appears as if it is continuing it is likely that the matter will be referred to be determined by the Magistrates' Court.

NOTES FOR APPLICANTS.

An application for Internal Review of the decision to issue an infringement notice may only be made once for this infringement offence. The decision once made, is final.

If you do not provide sufficient information the Council may delay its decision while it requests further information. If you do not provide that further information within 14 days of the service of the request, the Council must then by law decide your application without that further information. So, it is important for you to provide as much information and photocopies of relevant documents as possible with this - your initial application.

If you have elected to go to court the Council must decline to conduct an Internal Review. If you elect to go to court before the decision of an Internal Review is made the review process is terminated as at the date of your election to go to Court.

The Council will post a notice of its decision about the Internal Review to you. Our reply will be posted to the address that has been written in Box 4 on the front page of this form. The Infringements Act 2006 requires a response to an application within 90 days. Our reply should take no longer than 28 days.

Section 22(2)(e) of the Infringements Act 2006 prohibits Council from taking further Internal Review action or giving further consideration after the decision has been made.

25 What can an enforcement agency decide on review?

- (1) Subject to subsection (2), after reviewing a decision under section 24, an enforcement agency may—
- (a) confirm the decision to serve an infringement notice;
 - (b) withdraw the infringement notice and serve an official warning in place of the infringement notice;
 - (c) withdraw the infringement notice;
 - (d) withdraw the infringement notice and refer the matter to the Court in accordance with this Part or, in the case of an infringement notice served on a child, withdraw the infringement notice and file a charge and summons in the Children's Court for the matter to be dealt with in that Court;
 - (e) in the case of an infringement offence involving additional steps, alter or vary those steps provided the alteration or variation is consistent with the Act or other instrument establishing the offence;
 - (f) waive all or any prescribed costs;
 - (g) approve a payment plan;
 - (h) do any combination of any of the actions referred to in paragraphs (a) to (g).
- (2) In the case of an application made under section 22(1)(b) on the grounds that special circumstances apply to the person served with the infringement notice, after reviewing a decision under section 24, an enforcement agency may—
- (a) confirm the decision to serve an infringement notice;
 - (b) withdraw the infringement notice and serve an official warning in place of the infringement notice;
 - (c) withdraw the infringement notice.
- (3) If an enforcement agency makes a decision under subsection (2)(a) confirming the decision to serve the infringement notice, the enforcement agency must refer the matter to the Court in accordance with this Part or, in the case of an infringement notice served on a child, withdraw the infringement notice and file a charge and summons in the Children's Court for the matter to be dealt with in that Court.

13 **I apply for internal review of the above infringement notice and I believe the grounds set out above are true.**

[SIGNATURE]

[DATE]

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Multilingual Telephone Line

خدمة الهاتف	9679 9871	電話服務	9679 9876
Telefonska služba	9679 9872	Telefon servisi	9679 9877
Τηλεφωνική Υπηρεσία	9679 9873	Dịch vụ Thông dịch	9679 9878
Servizio telefonico	9679 9874	电话服务	9679 9857
Телефонска служба	9679 9875	Telephone services in other languages	9679 9879