

GUIDELINES FOR INTERNAL REVIEW

Under the *Infringements Act 2006*, you, or a person acting with consent on your behalf, may apply to Council for internal review of the decision to serve the infringement notice.

If you are applying for internal review you **MUST** complete the attached application form **Parts A, B & D** (see overleaf)

GROUNDINGS FOR INTERNAL REVIEW

You may apply for internal review of the decision to serve the infringement notice if you believe -

- The decision was contrary to law **OR**
- The decision involved a mistake of identity; **OR**
- That special circumstances (see definition below) apply to you; **OR**
- The conduct for which the infringement notice was served should be excused having regard to any exceptional circumstances relating to the infringement offence; **OR**
- Other factors are relevant. (*This may include stopping to avoid a collision, stopping because the vehicle was broken down, stopping for a medical or other type emergency, stopping in the interests of safety or stopping to comply with another law.*)

WHEN COMPLETEING THE ATTACHED APPLICATION FORM YOU MUST -

- **Provide reasons** to support your application, clearly outlining the ground upon which you are claiming internal review and reasons for that claim.
- **Provide as much evidence as possible** supporting your application such as; a full description of the situation, a statement from any witnesses, a sketch or photograph of the scene, receipts from a towing company, mechanic or the RACV report showing dates, and times, or a doctors certificate, (if relevant) etc.

You will be notified by post of the result of the internal review.

GUIDELINES FOR SPECIAL CIRCUMSTANCES

"SPECIAL CIRCUMSTANCES" are defined under the *Infringements Act 2006* as:

- (a) a mental or intellectual disability, disorder, disease or illness where the disability 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.

When using special circumstances as grounds for an internal review you **must** provide supporting documentation such as; a report from your psychiatrist explaining your diagnosis or a treatment plan and/or a prognosis from a social worker or drug counselor. You should also provide information that supports what actions have been put in place to prevent further offences.

WARNING - If you choose to rely on special circumstances as grounds for an internal review and the reasons you provide are not accepted the infringement **MUST** be referred to the Magistrates' Court for determination.

IMPORTANT INFORMATION FOR REVIEW BY A COURT

You may elect to have the matter heard and determined by a Court.

If you are applying to do so, you **MUST** complete the attached application form **Parts A, C & D** (see overleaf)

