



Please Return Form to:

Local Laws Unit  
City of Darebin  
PO Box 91  
Preston 3072

**REQUEST FOR INTERNAL REVIEW OF INFRINGEMENT NOTICE**

Please read and complete all relevant parts of this form, and ensure that this form is signed by the relevant person.

**YOUR DETAILS**

Name (in full): .....

Address: .....

Suburb: ..... State: ..... Post Code: .....

**YOUR POSTAL ADDRESS IF DIFFERENT FROM ABOVE:**

Name (in full): .....

Address: .....

Suburb: ..... State: ..... Post Code: .....

**INFRINGEMENT NOTICE DETAILS:**

Infringement Notice Number (s): .....

Vehicle Registration (if applicable to this appeal): .....

Location where offence occurred: .....



## **THE REASON I CLAIM THAT THESE GROUND APPLY TO MY APPEAL IS;**

**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/psychologist explaining your diagnosis, treatment plan and prognosis, or a report from your Case worker or Drug Counsellor. 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.*

## **PLEASE DO NOT SEND ORIGINALS**

Attach copies of documents, reports or other proof or information to support your appeal. If we wish to view an original document we shall make an appointment with you to do so.

## 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 on the front page of this form. Our reply should take no longer than 7 to 14 days. As advised above, 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.**

### **s25 of the Infringements Act 2006 provides:**

(1.) Subject to sub-section (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.
- (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 sub-section (2)(a) confirming the decision to serve the infringement notice, the enforcement agency must refer the matter to Court in accordance with this Part.

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

.....

**SIGNATURE**

.....

**DATE**