**Review of a Penalty Infringement Notice or Official Warning Application**

To apply for an internal review of a penalty infringement notice or official warning issued by the Murrindindi Shire Council.

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| **Applicant details** | | | | | | |
| Who is applying:  Person named on the Penalty Infringement Notice/Official Warning  Other person with Consent (You must also complete the ‘Consent for Internal Review’ on reverse side of this page)  Authorised company representative | | | | | | |
| Given name: | | | | | | |
| Surname: | | | | | | |
| Organisation name: | | | | ABN: | | |
| Street address: | | | | | | |
| Town/suburb: | | | State: | | | Postcode: |
| Postal address (if different to above): | | | | | | |
| Mobile number: | | Other contact number: | | | | |
| Email: | | | | | | |
| **Infringement details** | | | | | | |
| Penalty Infringement Notice number: | | | | | | |
| Official Warning number: | | | | | | |
| **Grounds for review** (descriptions are located on page 3) | | | | | | |
| Only one internal review may be submitted per Infringement Notice or Official Warning, unless applying when an internal review has been granted on the ground of ‘Person Unaware’. | | | | | | |
| Exceptional Circumstances  Contrary to Law  Mistaken Identity  Person Unaware of Fine  Special Circumstances  Family Violence Scheme (FVS) | | | | | | |
| **Attachments** | | | | | | |
| I have attached an explanation of my circumstances and ground(s) in support of my application | | | | | | |
| **Further information** | | | | | | |
| If you require any assistance completing this form please contact Council on (03) 5772 0333 or via email at [msc@murrindindi.vic.gov.au](mailto:msc@murrindindi.vic.gov.au) | | | | | | |
| **Declaration details** | | | | | | |
| I understand that this is the only Internal Review for this Infringement that I am able to submit pursuant to s.22(2) of the *Infringements Act 2006*.  I declare that the information that I have supplied in this form, and any attachments to this form, are true and correct to the best of my knowledge.  I understand that by making a false or misleading statement in support of this claim, I may be prosecuted. | | | | | | |
| Signature of Applicant: |  | | | | Date: | |
| **Privacy statement** | | | | | | |
| The personal information requested in this form is being collected by Murrindindi Shire Council for the purpose of this application. We will not disclose your personal information without your consent, except where required to do so by law. To view our privacy policy, visit our website at [www.murrindindi.vic.gov.au/privacy](http://www.murrindindi.vic.gov.au/privacy)  If you do not wish for us to update our records with the information provided, please check this box. | | | | | | |
| **Consent for internal review** (To be completed if another person is acting on your behalf) | | | | | | |
| I (person named in the infringement) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Of (address of person named on the infringement) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, give my consent to  (name of person making the application on your behalf) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  For an Internal Review on my behalf to Penalty Infringement Notice/Official Warning number \_\_\_\_\_\_\_\_\_\_\_\_ | | | | | | |
| Signature of person named on the Infringement/Warning: |  | | | | Date: | |
| Signature of other person with Consent: |  | | | | Date: | |

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| Description of relevant grounds for internal review appeal |
| |  |  | | --- | --- | |  | **Exceptional Circumstances**  The exceptional circumstances ground provides Council with the discretion to determine whether the infringement notice is appropriate, taking into account the circumstances in which the offending conduct occurred.  Unlike special circumstances, there is no legislative definition of what constitutes exceptional circumstances. This ground is intended to apply to one-off circumstances where the reason cannot be categorised. This category is designed to include circumstances where the applicant has enough awareness and self-control to be liable for their conduct but has a good excuse for that conduct.  Some examples include circumstances where the applicant committed the offence due to unforeseen or unpreventable circumstances such as medical emergencies, unavoidable or unforeseeable delay or vehicle breakdown.  Applications for internal review made on the grounds of exceptional circumstances should (where appropriate) be accompanied by supporting evidence. Council may take into account evidence a reasonable person would consider as relevant into account, and could include:   * medical evidence from medical practitioners * invoices or receipts * statutory declarations or affidavits * witness statements * photographs * travel documentation * police statements or records. | |  | **Contrary to Law**  You can apply under this ground if you believe that our decision to fine you was inconsistent with the law or improperly issued.  For example, the officer who issued the fine acted unlawfully, improperly or outside their authority or the infringement notice is not valid because it is incomplete or does not comply with the formal legal requirements for an infringement notice.  Your appeal should be accompanied with supporting evidence. This can include photographs of parking signage, witness statements or other evidence that goes to establishing facts.  **Mistaken Identity**  You can request a review under this ground if you have been incorrectly identified as the person who committed an offence, and you have evidence to support your claim. For example, you are not the person named on the infringement notice, you were not in the location at the time of the offence and therefore could not have committed the offence, or you have had your identity stolen.  This ground is not available if you claim that you are not liable for the offence and cannot reasonably ascertain the identity of the person who was responsible. Such circumstances should be more appropriately addressed by lodging an unknown user nomination statement.  Applications for internal review on the ground of mistaken identity should (where appropriate) be accompanied by supporting evidence. Examples of supporting evidence for mistake of identity include the applicant’s birth certificate, driver’s licence or passport which shows:   * a different person than the one who received the infringement notice in the applicant’s name, or * evidence that the applicant could not have committed the conduct because they could not have been in the relevant location. | |  | **Person Unaware of Fine**  You can lodge an internal review application on the ground that you were unaware of the infringement notice. Service of the notice must not have been by personal service.  An application made on the ground of ‘person unaware’ is subject to the conditions applicable to all internal review conditions and additionally must be made within 14 days of the applicant becoming aware of the infringement notice.  Council will not consider an application made on the ground of ‘person unaware’ if the applicant has not updated their authorised address within 14 days of changing address.  Applications for internal review made on the grounds of person unaware should (where appropriate) be accompanied by supporting evidence. For example, copies of date-stamped passports, boarding passes, removalist invoices and mail theft reports made to Victoria Police. You may also evidence the date you became aware of the infringement notice by executing a statutory declaration. | |  | **Special Circumstances**   1. These circumstances are very specific. You should only select this ground if you committed the offence and can show that at the time of the offence you:  * had a mental or intellectual disability, disorder, disease, or illness * had a serious addiction to drugs, alcohol, or a volatile substance * were homeless * were a victim of family violence, or * you cannot deal with your fines because of severe disabling long-term circumstances, even if those circumstances did not exist at the time of the offence.   You will need to provide evidence from a qualified practitioner or agency to support your application. For more information on what is required and how to apply, visit the Fines Victoria website.  Link [Special circumstances (fines.vic.gov.au)](https://online.fines.vic.gov.au/Support/Special-circumstances)  **Family Violence Scheme (FVS)**  The Family Violence Scheme (FVS) is a specialised scheme to support people affected by family violence within the fines system. The scheme is administered by the Director, Fines Victoria. The scheme allows people to apply to Fines Victoria to have their infringement fines withdrawn if family violence substantially contributed to the offence or if it is not safe for them to name the responsible person.  Internal review applicants should contact Fines Victoria at online.fines.vic.gov.au/Contact-Us about the scheme if family violence is mentioned in their application.  **Financial Hardship**  While financial hardship is not a ground for review, Council may consider such applications where a person is experiencing financial hardship and is unable to pay their outstanding fines. In these circumstances Council may assist the applicant, where appropriate, to negotiate a payment plan. | |