

Have you got an unpaid fine, but have special circumstances?

Do you have a mental or intellectual condition, addiction to drugs or alcohol or are you homeless?

'Special Circumstances' may apply to you if, at the time of the fine you:

1. Had a mental or intellectual disability, disease or illness; or
2. Had a serious addiction to drugs, alcohol or a volatile substance; or
3. Were homeless (Homelessness can include staying in crisis accommodation, living in transitional housing, couch surfing or sleeping rough); or
4. Were the victim of family violence within the meaning of section 5 of the Family Violence Protection Act 2008;

And that resulted in you being unable to:

- understand that conduct constitutes an offence; or
- control conduct that constitutes an offence.

Requesting a review of your fine

In certain circumstances you can ask the issuing agency to review your fine because there were special circumstances that meant you were unable to understand or control the offending conduct.

Important: If you have received an *Enforcement Order* in addition to the original fine, you can no longer apply for a review. You must contact Civic Compliance on telephone number 9200 8222 or visit Ground Floor, 277 William Street, Melbourne.

How and when to apply for a review

If you believe you have special circumstances you should write to the issuing agency and request a review of these grounds. You can also ask a friend or someone you trust to apply on your behalf, with your written approval.

The contact details of the issuing agency will be on the fine.

An application must provide your current contact details (name, postal address and telephone number) and describe how special circumstances apply to you. It must be sent before the due date on the fine or penalty reminder notice.

Important You are only able to make one application, so seeking legal assistance from a community agency is recommended (see next page).

What do you need to provide?

You must provide a statement from your medical practitioner or case worker that explains how your special circumstances meant you could not obey the law. This statement should be less than 12 months old.

Who can provide a statement confirming special circumstances?

Statements can be accepted from relevant practitioners, including but not limited to:

1. **In the case of a mental or intellectual disability disorder, disease or illness**
 - Medical practitioner
 - Psychologist, psychiatrist or psychiatric nurse
2. **In the case of a serious addiction to drugs or alcohol**
 - Medical practitioner
 - Psychologist or psychiatrist
 - Drug Counsellor or Case Manager
 - Accredited drug treatment agency or counsellor
3. **In the case of homelessness**
 - Medical practitioner
 - Psychiatrist
 - Case worker or Social worker
 - Health or community services welfare providers.

4. In the case of family Violence

- Medical practitioner
- Psychiatrist
- Family violence case worker or Social worker
- Health or community services welfare providers.
- Victoria Police

Information for those providing a statement

A statement should include:

- The practitioner's qualification and their relationship with you.
- The nature, severity and duration of your condition or symptoms
- Whether the applicant was affected by the condition/situation at the time of the offence
- How your condition/situation affected their inability to understand or control your conduct constituting the offence.

What happens next?

- If your application is successful, the agency will inform you that your fine (and any related fees) has been withdrawn and that no further action is needed.
- If your application does not contain enough information, you may be asked to provide further information by a certain date. If you do not respond, your application will be reviewed based on the information available. If you require an extension, you should contact the issuing agency.
- If your application is unsuccessful, you may elect to:
 - Pay
 - Apply for a payment plan or extension of time
 - Elect to go to Court
 - Apply for a Work and Development Permit (WDP) (via Fines Victoria)

Who can help?

- The issuing agency (eg local council, Victoria Police) – their contact details will be on your fine.
- Victoria Legal Aid – phone 1300 792 387 or visit www.legalaid.vic.gov.au
- The Federation of Community Legal Centres – phone 9654 2204 or visit www.communitylaw.org.au
- The Law Institute of Victoria can help you find a private lawyer – phone 9607 9550 (referral service) or visit www.liv.asn.au
- Civic Compliance Victoria – phone 9200 8222 or visit Ground Flood, 277 William Street, Melbourne
- Money Help – phone 1800 007 007 or visit www.moneyhelp.org.au

For more information on fines or the infringements system, visit www.fines.vic.gov.au