

APPLICATION FOR ENFORCEMENT REVIEW

You can make an application for enforcement review online by visiting fines.vic.gov.au Alternatively you can use this form to apply for a review of the enforcement of your registered infringement fine(s).

Who can apply?

You can apply for an enforcement review if you are:

- the person named in the notice of final demand or their legal representative
- a person authorised by the company named in the notice of the final demand
- a person with the consent of the individual named in the notice of final demand (complete section 14 of the form)
- a person with power of attorney for the individual named in the notice of final demand (provide a certified copy of the power of attorney)
- a person appointed administrator or guardian for the individual named in the notice of final demand (provide a copy of the order made by VCAT).

What are the grounds?

You can only make an application for enforcement review under the following grounds. You may select multiple grounds.

Person unaware

If you did not receive the fine(s) in person and have only just found out about them. We must receive this application within 14 days of the date that you became aware.

Exceptional circumstances

If the offence(s) occurred due to unforeseen or unpreventable circumstances (for example, a medical emergency).

Mistake of identity

If the fine(s) should not have been issued against you (for example, someone else is using your personal details).

Contrary to law

If the issuing of the fine(s) was unlawful or not valid.

Special circumstances

If you had special circumstances at the time of the offence(s), or have severe long term circumstances making it impracticable to deal with the fine(s) in any way. Please see the fact sheet on the back of this page. A company cannot apply under special circumstances.

What evidence do I need?

You should attach any supporting documentation you are relying on in this application. If supporting documents are not provided, your application may not be successful.

If applying on grounds of special or exceptional circumstances. you can ask for more time to get the required evidence. You should ask for more time when you submit your application.

What happens next?

Grounds of person unaware

If your application is successful, the enforcement of the fine will be cancelled, with all additional costs removed and the fine will be referred back to the enforcement agency. You can then finalise the fine with the enforcement agency.

All other grounds

If your application is successful, the enforcement agency is notified and has 90 days to withdraw the fine and decide whether to:

- take no further action
- issue you with an official warning
- serve you with a charge and summons to go to the Magistrates' Court.

If your application is not successful, enforcement action will

Important Notice

You cannot apply for an enforcement review if:

- the offence is a drink/drug driving offence
- the offence is a speeding offence for driving 25km/hr or more over the speed limit or in excess of 130km/hr if the speed limit is 110km/hr
- the fine was imposed by a judge or magistrate
- · the matter is a collection and enforcement order
- an attachment of earnings or attachment of debt direction has been made
- a seven day notice has been served and the seven day period
- · enforcement warrants issued against you have been executed
- · the fine(s) have not been registered with Fines Victoria.

Submitting your application



In person:

Fines Victoria

Ground Floor, 277 William Street Melbourne, Victoria

Opening hours: 9am to 5pm

Monday to Friday (except public holidays)



Online:

Fines Victoria

fines.vic.gov.au/contact us (click submit an online enquiry)



By mail:

Fines Victoria

PO Box 14487 Melbourne Victoria 8001

Do you require legal assistance?

You may be able to obtain assistance from one of the following organisations:

- . Victoria Legal Aid | legalaid.vic.gov.au
- Victorian Community Legal Centres | communitylaw.org.au Victorian Aboriginal Legal Service | vals.org.au

Privacy Statement

The Department of Justice and Community Safety collects personal information for the purposes of dealing with your outstanding fines. If your application is successful, we can disclose the information you provide to us to the enforcement agency responsible for your fine as authorised by the *Privacy and Data Protection Act* 2014 and *Health Records Act* 2001.



Factsheet: Preparing an application for enforcement review under special circumstances

1 Is my condition/situation considered special circumstances?

You can apply on the ground of special circumstances if:

- at the time of your 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, or
 - were a victim survivor of family violence, OR
- you cannot deal with your fines in any way due to severe, disabling, long-term circumstances that do not only relate to financial hardship.

2 What evidence do I need?

You must provide evidence to explain:

- · your circumstance, including its nature, severity, duration, and impact on your life
- the link between your circumstance and your offending behaviour, or your long-term inability to deal with the fine.

Evidence may include, reports, letters, statements, submissions, statutory declarations, police reports and family violence safety notices.

Evidence provided should be dated within 12 months of the application except where you have a long term condition (for example, an intellectual disability).

If you do not have documentary evidence yet, you can ask for more time to get it. You should ask for more time when you submit your application. You can ask for up to three months. Your fines will be on hold until you send in the evidence.

3 Who can prepare supporting evidence?

You may provide supporting evidence from the following:

Mental or intellectual disability, disorder, disease or illness:

- general practitioner
- psychiatrist
- psychologist
- psychiatric nurse
- registered occupational therapist
- accredited mental health social worker or case worker

Homelessness:

- general practitioner
- psychiatrist
- psychologist
- financial counsellor
- case worker or social worker
- recognised health or community welfare service provider (such as the Salvation Army).

Serious alcohol or drug addiction:

- general practitioner
- psychiatrist
- psychologist
- drug and alcohol case worker
- accredited drug and alcohol counsellor or agency

Family violence:

- case worker or social worker
- financial counsellor
- health practitioner (for example, general practitioner, psychologist, psychiatrist, registered occupational therapist)
- school principal or school welfare coordinator.

4 What should the supporting evidence contain?

Supporting evidence should include the following information:

- an explanation of your circumstance, including its nature, severity, duration, and impact on your life
- the link between your circumstance and your offending behaviour, or your long-term inability to deal with the fine
- your practitioner's qualifications
- your practitioner's relationship with you and how long they have known you.

5 Submitting your special circumstances application to Fines Victoria

Complete the application for enforcement review form, and submit it to Fines Victoria with documents to support your application. If you need more time to get the evidence, indicate how long you need in question 11.

ENF.12.0.33 | V6 | 09.2022 Page 2 of 5

APPLICATION FOR ENFORCEMENT REVIEW

WHO IS APPLYING? (confirm who is making the application) Person named on the Advocate, lawyer or other Authorised representative of the authorised third party notice of final demand company named on the notice of final DETAILS OF THE PERSON/COMPANY NAMED ON THE NOTICE OF FINAL DEMAND Your contact details Family name (Surname) OR Company name First name or ACN Date of birth (if an individual) Driver licence number/Permit number State of issue 2. **Optional question** Do you identify as Aboriginal and/or Torres Strait Islander? Aboriginal and Torres Neither Aboriginal nor Aboriginal Torres Strait Islander Strait Islander Torres Strait Islander 3. **Current residential or registered company address** Street address (include house, unit or apartment number) Suburb/Town/City State Postcode Country (if not Australia) Postal address (if same as residential/company address, write 'AS ABOVE') Street address (include house, unit or apartment number) or PO Box Suburb/Town/City Country (if not Australia) State Postcode 5. **Contact details** Preferred contact number Email address

ENF.12.0.33 | V6 | 09.2022 Page 3 of 5

AUTHORISED PERSON DETAILS Authorised person contact details If you are applying on behalf of another person or a company named in the notice of final demand complete this section Family name (Surname) First name Organisation/Company name (if applicable) Postal address (include house, unit or apartment number) Suburb/Town/City Country (if not Australia) State Postcode Position in organisation/company (if applicable) Relationship to person named in the notice of final demand (if applicable) Preferred contact number Email address Note: if you select 'No' any correspondence regarding this application will be sent to the postal Send all correspondence in relation to this application to the No Yes address of the person/company named in the notice authorised representative/agency? of final demand. **OBLIGATION NUMBER/S** 7. Obligation number(s) Please indicate if the application relates to: Option A All of the outstanding obligations OR Option B Only the following obligations. If there is insufficient space, please attach a separate page. 2 3 4 5 6 OR **Option C** All of the outstanding obligations, except for the following. If there is insufficient space, please attach a separate page. 2 3 4 5 6 If you require a list of all your current obligation numbers, contact Fines Victoria on (03) 9200 8222 or you can visit fines.vic.gov.au

ENF.12.0.33 | V6 | 09.2022 Page 4 of 5

REASON FOR REQUESTING AN ENFORCEMENT REVIEW																			
8.	Why	Why are you requesting an enforcement review?																	
	X	Person unaware: You were not given the infringement notice(s) in person and have only just become aware of it/them								Special circumstances: (A company cannot apply under special circums You can show that:									
	X	Exceptional circumstances: If the offence(s) occurred due to unforeseen or unpreventable circumstances (e.g. medical emergency) Contrary to law: The issuing of the fine(s) was unlawful or not valid									follov	wing co a me or illi a sei subs hom you	e of your offence you had one or more of the conditions/circumstances and this was linked ending: nental or intellectual disability, disorder, disease ellness erious addiction to drugs, alcohol or a volatile estance nelessness were a person affected by family violence,						
	X Mistake of identity: The fine was issued against the wrong person due to a mistake of identity									 OR you cannot deal with your fines in any way due to severe, disabling, long-term circumstances. 									
9.	When	did you f	ind out a																
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10.	Tell u	s why you	ı believe	the fine	e(s) sho	uld be	reviev	wed (Att	ach a sepa	rate pa	ge if y	ou need	d more s	pace to	write)			
11.	Fvide	nce (witho	ut sunnorti	na evider	nce vou a	nnlicatio	on mav	not he su	iccessful)										
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12.	Checl	klist																	
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DEC	LAR/	TION																	
 13. Applicant declaration I authorise Fines Victoria to disclose my personal information to the enforcement agencies that issued the fine(s), the Magistrates' Court of Victoria, and any person whose evidence I rely on in support of this application. I understand that Fines Victoria may update its records with my contact details provided on this form, and that I may be contacted regarding my outstanding fines. I declare that the information supplied in this form, and any attachments to this form, are true and correct to the best of my knowledge. I understand that it is an offence under the Fines Reform Act 2014 to intentionally provide false or misleading information in a written statement required by or under that Act. I understand that the offence carries a fine in excess of \$1800. 														ia,					
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ENF.12.0.33 | V6 | 09.2022 Page 5 of 5