

INFRINGEMENT MANAGEMENT POLICY

Policy Reference No.	POL176
File No.	HCC13/492
Strategic Objective	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs
Adopted by Council	27 April 2015
Re-Adopted	25 October 2021
Date for Review	28 February 2023
Responsible Officer	Manager Governance
Department	Governance

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1. POLICY STATEMENT

- 1.1 This Infringement Management Policy (the Policy) defines the standards and expectations set by Council, for the exercise of all duties, functions and responsibilities involved in carrying out any enforcement of Legislation in the Hume City Council.
- 1.2 Council is committed to ensure enforcement is carried out in the public interest and is transparent, fair, efficient and consistent.

2. PURPOSE

- 2.1 The aim of this Policy is to:
 - 2.1.1 Document Council's approach to the management of infringements issued by Council's authorised officers; and
 - 2.1.2 To ensure that regulatory functions are exercised consistently and without bias and in accordance with Council's obligations under the Local Government Act 2020.
- 2.2 The management of infringements will be auditable and transparent and in accordance with the requirements of the Infringements Act 2006 which establishes a standard framework for issuing and enforcing infringement notices.

3. SCOPE

- 3.1 The Local Government Act 2020 empowers Local Government Authorities (LGA) to administer any delegated State Government Act and Local Law as listed in Section 8 of this Policy.
- 3.2 The Infringements Act 2006 and Fines Reform Act 2014 provide the legislative framework for the administration of infringements in Victoria.
- 3.3 The Act is supported by the Infringements Regulations 2016. There are currently over 50 legislative instruments in Victoria containing infringement offences.
- 3.4 This Policy is to be applied for infringement management in the Statutory Planning and Building Control Services, Assets, Waste, City Laws, Sustainable Environment, Public Health and any other applicable departments of Council.

4. OBJECTIVE

The objective of this Policy is to provide a consistent, accountable and transparent process for infringement management.

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5. POLICY IMPLEMENTATION

- 5.1 This Policy provides standards and direction to ensure that all regulatory functions undertaken on behalf of Council are undertaken in a manner that reflects Council's Corporate Values, whilst complying with Council's Employee Code of Conduct.
- 5.2 This Policy establishes clear and lawful guidelines when exercising regulatory functions by providing:
- 5.2.1 Enforcement options which ensure a consistent, impartial and fair application of the law.
 - 5.2.2 Guidance for Authorised Officers in their use of discretion.
 - 5.2.3 Clear and concise guidelines, which are consistent with guidelines issued by the Attorney General.
 - 5.2.4 Ensuring that all warnings, infringement notices, notices and reports are correctly recorded within Council's systems and contain all the necessary elements to establish the alleged offence.
- 5.3 The Departments responsible for authorised officers will implement this Policy by ensuring their staff:
- 5.3.1 Are trained and competent to use the procedures that support the Policy.
 - 5.3.2 Have access to this Policy and supporting procedures and legislation.
- 5.4 Reporting to the Department of Justice and Regulation:
- 5.4.1 Under the Infringements Act 2006 and regulations, an enforcement agency must provide prescribed information to the Department of Justice and Regulation every six months in relation to each category of infringement offences as follows:
- (a) The number of official warnings;
 - (b) The number of official warnings withdrawn;
 - (c) The number of infringement notices issued;
 - (d) The number of infringement notices withdrawn;
 - (e) The number of persons served with an infringement notice who elect to have the matter heard and determined in court, or in the case of a child, the Children's Court;
 - (f) The number of applications for internal review under each of the grounds and the number of applications for internal review decided;

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- (g) The number of applications for payment plans received by the enforcement agency and as far as practicable:
 - The total number of payment plans offered.
 - The total number of payment plans commenced.
 - In relation to commenced payment plans, the number defaulted.
- (h) The number of applications for review under Special Circumstances – Family Violence.

6. POLICY STATEMENT

6.1 GENERAL

- 6.1.1 The Chief Executive Officer (CEO) or Councillors are not to become involved in reviews of infringement notices and will not hear deputations regarding individual Infringement notices.
- 6.1.2 If the CEO or Councillors receive an application to review an infringement the application should be forwarded to Council's Executive Officer so that it is recorded in Council's Record Management System and forwarded to the Infringement Management Unit where policy, guidelines and processes will be followed.

6.2 ISSUE OF INFRINGEMENTS

- 6.2.1 Authorised Officers have a statutory obligation to enforce the legislation conferred upon Council. Such enforcement actions may include verbal or written warnings and directions, the issue of infringement notices for certain offences or undertaking further legal action for serious and recalcitrant breaches of law
- 6.2.2 Infringements must be issued in accordance with the Policy for any sighted contravention of the Local Law or any State Legislation that Council is authorised to enforce.
- 6.2.3 All infringements must be recorded and monitored on Councils CI Property and Rating Infringement Module or other database as approved by the CEO.
- 6.2.4 Information regarding the Infringements Management process shall be available in plain English and able to be accessed by the community either through www.hume.vic.gov.au or in hard copy from the Council Customer Service Centres.
- 6.2.5 If at any point an Authorised Officer suspects that a procedural error may have occurred, the matter should be referred for review immediately and without the necessity for an application for review. A hold will be placed on the Infringement

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notice so as not to incur late fees until the matter is reviewed and response provided.

6.3 PAYMENT OF INFRINGEMENTS

- 6.3.1 All infringements must be paid by the due date on the infringement notice.
- 6.3.2 Infringements may be paid by instalments or by negotiating an extension on the due date from the time it is first issued to avoid extra fees being accrued (where applicable) i.e. a payment plan.
- 6.3.3 Payment plans are to be available as per the criteria listed below to any person or company :
- (a) Payment plans are only available on 2 occasions (not on an ongoing basis). This includes instalment plans, extensions of time to pay or a combination of both;
 - (b) If a person or company defaults by not making a payment within 14 days of the due date, the plan will be considered to be in default;
 - (c) A default letter will be sent advising payment is required within 14 days and if this payment is not received the payment plan will be cancelled and the matter will proceed to the next stage in the infringement lifecycle, which may include Court;
 - (d) A company that is paying an infringement by instalments must make full payment of the infringement within no more than 12 months.
- 6.3.4 A person who receives one of the following benefits is eligible for payment plans as of right:
- Centrelink Health Care Card;
 - Pensioner Concession Card;
 - Department of Veterans' Affairs Concession Card.
- 6.3.5 The minimum amount accepted for a payment plan is to be based on the total amount of the accumulated penalty amounts to be paid within a 12 month period. The minimum payment amount is not to be less than \$10.00 per fortnight or \$20.00 per month. Persons experiencing financial hardship will be considered on a case by case basis, however full payment is never to exceed a 24 month term.
- 6.3.6 Extensions of the time to pay infringements in full will be considered (2 to 8 weeks depending on the amount of the infringement) without penalty. Extensions of time to pay can be given to the equivalent of 16 weeks;
- 6.3.7 The Fines Reform Act 2014 provides for a person or company to apply to the Director, Fines Victoria for a payment arrangement to pay a fine or multiple fines. A payment arrangement may include fines from different enforcement agencies, fines at different stages of enforcement and court fines. A payment arrangement

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can allow a person or company to pay by instalments or it can provide an extension of time to pay.

6.3.8 A person or company will have the option to request that an enforcement agency (of which Hume City Council is one) refer a fine to the Director, Fines Victoria to manage as part of a payment arrangement.

6.3.9 For more information on Payment Arrangements go to www.online.fines.vic.gov.au;

6.3.10 If a person or company advises Council that they are experiencing financial hardship as a result of COVID-19, consideration will be given to temporarily pausing instalment payments or providing an extension of time to pay of up to 12 weeks.

6.4 INFRINGEMENT REVIEW

6.4.1 Council acknowledges the right of people issued with infringement notices to seek a review of the circumstances of the notice before further legal action is taken under various Acts and Regulations. All such reviews will be dealt with fairly, impartially and consistently.

6.4.2 When applying for review of an infringement, the applicant must:

- (a) Complete the form “Application to Review an Infringement” (Attachment 1), or submit a written request for a review, either in person or by mail or by e-mail to contactus@hume.vic.gov.au. A person may also submit an application for review online on Council’s website.
- (b) Set out the circumstances and basis for disputing the alleged offence and the grounds on which the decision should be reviewed:
 - was contrary to law;
 - involved a mistake of identity;
 - that special circumstances apply to the person;
 - the conduct for which the infringement notice was served should be excused having regard to any exceptional circumstances relating to the infringement offence;
 - Person unaware of infringement.
- (c) Include any documentary evidence or information supporting their application (please note, for all incidents where a person is relying on evidentiary circumstances, they will be required to declare the information on a statutory declaration in the first instance).
- (d) Include any documentary evidence or information supporting their application (please note, for all incidents where a person is relying on evidentiary circumstances, they will be required to declare the information on a statutory declaration in the first instance).

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- (e) State the applicant's current address for service of the outcome of the decision.
- (f) A request for review of a parking infringement may also be lodged directly with Council's Parking Services Contractor.
- 6.4.3 In accordance with the Infringements Act 2006 Council may only complete one review in relation to any one infringement offence in respect of the applicant.
- 6.4.4 If a review is requested and the decision to issue the infringement is upheld, the time to pay the fine will be extended by either 14 days after the person has been served with written notice advising of the outcome of the review or 1 week from the due date of the infringement, whichever is the greater time period.
- 6.4.5 A person issued with an infringement notice may elect to have the matter referred to Open Court at any time.
- 6.4.6 The outcome of the review is to be forwarded to the applicant in writing within 21 days of Council making a decision on the review.
- 6.4.7 Infringement Notices that are not withdrawn by a review panel and are referred to Court will be processed in accordance with the procedure outlined in the Magistrates' Court Act 1989.
- 6.4.8 Where a person receives an infringement for parking and they submit a written request to have the issuing of that infringement reviewed, and that person's request for review indicates they have not previously been issued with any infringement for parking within Council's municipal district, the person conducting the review will take that into account, along with other relevant circumstances such as the nature and extent of the offence and whether the safety of other road users was significantly compromised.

6.5 REVIEW GROUND - SPECIAL CIRCUMSTANCES

- 6.5.1 A person in receipt of an infringement may also apply for a review of the infringement if there are special circumstances.
- 6.5.2 Special circumstances include:
- a mental or intellectual disability or disorder, disease or illness;
 - a serious addiction to drugs, or alcohol or a volatile substance, that resulted in the person being unable to understand or control the behaviour that resulted in an offence;
 - homelessness resulting in an inability to control the behaviour constituting the offence;
 - is a victim of family violence.
- 6.5.3 Note:
- (a) Homelessness is defined in Regulation 7 of the Infringement (General) Regulations as:
- the person is living in crisis accommodation;

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- the person is living in transitional accommodation;
- the person is living in any other accommodation provided under the *Supported Accommodation Assistance Act 1994* of the Commonwealth;
- the person has inadequate access to safe and secure housing as defined in section 4 of the *Supported Accommodation Assistance Act 1994* of the Commonwealth.

(b) Family violence is defined as a behaviour by a person towards a family member of that person if that behaviour:

- is physically or sexually abusive; or
- is emotionally or psychologically abusive; or
- is economically abusive; or
- is threatening; or
- is coercive; or
- in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or
- behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to above.

6.5.4 Applications for review under the special circumstances clause must be supported with documentation or proof of the circumstances.

6.6 REVIEW GROUND - EXCEPTIONAL CIRCUMSTANCES

6.6.1 A person in receipt of an infringement may apply for a review of the infringement if there are exceptional circumstances.

6.6.2 Exceptional circumstances are not specifically defined and hence the applicant will be required to explain the circumstances and have supporting material as evidence to back up their case (e.g. a doctor's letter).

6.6.3 The Guide provided as Attachment 2 is from the Department of Justice and Regulation website and provides some assistance with applications that cite Exceptional and Special Circumstances.

6.7 FINANCIAL HARDSHIP

6.7.1 Where a person is experiencing financial hardship and is unable to pay their outstanding fines, Council should assist the applicant, where appropriate, to negotiate a payment plan

6.7.2 An application form to request a payment plan due to financial hardship is provided as Attachment 3 of this report. This form is also available on Council's website.

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6.8 INFRINGEMENT RECOVERY

- 6.8.1 The Infringement Recovery Process shall be in accordance with this Policy.
- 6.8.2 Within 30 days of the expiry of the due date for payment of the Penalty Reminder Notice, recovery of the infringement and related costs (where applicable) of the infringement will commence via either Council solicitor letter or a Recovery Agency.
- 6.8.3 The Recovery Agency or solicitor will attempt to recover the outstanding infringement amount and where necessary have any directions or breaches on the notice complied with (using appropriate measures) over a 90 day period.
- 6.8.4 The use of a Recovery Agency will require reports to be forwarded of unpaid infringements for review with regard to issuing summons on a monthly basis.
- 6.8.5 If a notice is not paid, even after a reminder (with late fee added) has been sent, the matter can be referred to Court.
- 6.8.6 Infringement notices issued under the Environment Protections Act 1970 are to be referred to Court after the Penalty Reminder Notice stage so that if another person is identified as the offender during the Court process, this person can be charged with the offence.

6.9 WORKING AND DEVELOPMENT SCHEME (WDP)

- 6.9.1 The WDP scheme is a new initiative to help vulnerable and disadvantaged people who cannot pay their fines due to acute financial hardship.
- 6.9.2 If a person is eligible for a WDP, their sponsor (who is accredited by the Secretary, Department of Justice and Regulation) will be able to apply to the Secretary for a WDP which will enable the eligible person to clear an unpaid fine by participating in approved activities supervised by their sponsor.
- 6.9.3 To be eligible for a WDP, a person will need to have, or be experiencing, any one of the following:
- a mental or intellectual disability, disorder or illness;
 - an addiction to drugs, alcohol or a volatile substance;
 - homelessness;
 - family violence;
 - acute financial hardship.
- 6.9.4 Approved WDP activities under the supervision of a sponsor may include:
- Drug and alcohol counselling;
 - Unpaid / voluntary work;
 - Courses included educational, vocation or life skills;
 - Medical or mental health treatment provided by a doctor, nurse or psychologist;
 - Mentoring programs (for people under the age of 25 years.)

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6.10 PROSECUTIONS

- 6.10.1 Following the expiry of the recovery period, proceedings may be instigated through the Magistrates Court or any other applicable Court. As a party to legal proceedings, Council notes the Victorian Model Litigant Guidelines.
- 6.10.2 The following factors may indicate that it is in the Public Interest to commence or continue a prosecution:
- The need to maintain the rule of law (for example, an offence which is a community safety issue such as illegal parking near schools, a health or building offence etc).
 - The need for deterrence, (for example, an offence that represents a negative impact on the environment and/or appearance of the city such as an unsightly premise, an asset protection issue or any other planning infringement).
 - The need to maintain public confidence in Council acting in the interest of the community and as a regulator.
 - There is a total value of infringement and costs exceeding \$200.
 - That a person has incurred 3 or more infringements.
- 6.10.3 The following factors may indicate that it is not in the Public Interest to pursue a prosecution:
- The youth, age, physical or mental health or special infirmity of the alleged offender or of a witness.
 - The triviality of the offence i.e. the infringement value is under \$75.
 - The availability of alternatives to prosecution.
 - The financial capacity or insolvency of the offender.
 - The offender rectifies the act or omission which led to the charge.
 - The likely length of the hearing or the expense of pursuing the prosecution.
 - The likely outcome in the event of a finding of guilt having regard to the punishment.
- 6.10.4 Should Council's Prosecutor, or any other appropriately authorised/delegated officer become aware that an error has been made or of new circumstances, the

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matter must be reviewed internally, and if appropriate, must not proceed to Court. No request in writing is required on such occasions.

6.10.5 Unpaid Infringements that are considered unrecoverable will be written off.

6.11 FAMILY VIOLENCE SCHEME

6.11.1 The Family Violence Scheme is a customised scheme to support people affected by family violence within the fines system.

6.11.2 The scheme allows people to apply to have their infringement fines withdrawn if their experience of family violence contributed to the offence or it is not safe for them to nominate the responsible person.

6.11.3 Fines for offences against local council laws (other than parking fines) are excluded from the Family Violence Scheme.

6.11.4 More information can be found in Attachment 3 of this policy, or by visiting www.justice.vic.gov.au

7. DEFINITIONS AND ABBREVIATIONS

7.1 The following definitions are applicable within this Policy:

7.1.1 Act - The Infringements Act 2006.

7.1.2 Council - means Hume City Council.

7.1.3 Authorised Officer - means an Officer granted appropriate delegated authority under the Local Government Act 2020 and other legislation for which the Council is responsible.

7.1.4 Recovery Agency - a company endorsed by Council to collect outstanding monies owed.

7.1.5 Manager is a person appointed as a Manager at Council.

8. RELATED DOCUMENTS LEGISLATION / GUIDELINES

8.1 This Policy Document relies on the provisions contained by not limited to the following Acts, Regulations and Guidelines:

8.1.1 Hume City Council's General Local Law 1

8.1.2 State Legislation

- Local Government Act 2020
- Road Safety Act 1986
- Fire Rescue Victoria Act 1958
- Country Fire Authority Act 1958
- Domestic Animals Act 1994
- Environment Protection Act 1970
- Environment Protection Act 2017
- Fines Reform Act 2014
- Infringements Act 2006
- Tobacco Act 1987
- Magistrates' Court Act 1989
- Impoundment of Livestock Act

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- Prevention of Cruelty to Animals Act 1986
- Summary Offences Act 1966
- Magistrates Court Act 1989
- Evidence Act 2008
- Victorian Civil and Administrative Tribunal Act 1998
- Building Act 1993
- Planning and Environment Act 1987 [s147(4)]
- Road Management Act 2004
- Food Act 1984
- Acts and regulations including Part 14 of residential Tenancies Act 1997
- Any Regulations made and in-force under the above listed Acts

8.1.3 This Policy relates to the following Council policies, plans or manuals:

- Employee Code Of Conduct;
- Council's applicable Complaints Handling Policy/s;
- Department's individual applicable procedures, work instructions and guidelines;
- Infringement Management Guidelines.

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Attachment 1

Application for Internal Review (Infringements Only)

1. Please complete all sections below to have your infringement reviewed. Please complete the white sections, print clearly in ink using BLOCK letters, cross where applicable and then sign below.
2. Only one Internal Review may be submitted per Infringement Notice, unless applying when an internal review has been granted on the ground of Person Unaware of Fine.
3. Internal reviews are not permitted for an alleged drink-driving, driving under the influence of drugs, or excessive speed infringements that result in a loss of licence.

Applicant details

Who is applying (confirm who is making the application):

Person named on the infringement notice Other person with consent (You must also complete the 'Consent for Internal Review' on reverse side of this page) Authorised company representative

Your personal details

Surname / Company Name

First name / Company ACN

Address of person / Company

State Postcode

Email

Infringement details

Your infringement number Vehicle registration number

Grounds for application

Descriptions are located on the reverse side of this page.

Exceptional Circumstances See description 1 Contrary to Law See description 2 Special Circumstances See description 3 Mistaken Identity See description 4

Person Unaware of Fine See description 5 Penalty Reminder Notice/ Fee Waiver Request See description 5

I have attached an explanation of my circumstances and ground(s) in support of my application

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

/ /

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Description of relevant grounds for internal review appeal

- 1 Exceptional Circumstances**
 Please provide details of the exceptional circumstances (where you have committed the offence due to unforeseen or unpreventable circumstances, e.g. medical emergencies).
- 2 Contrary to Law**
 Please provide the reasons why you consider the decision to issue you with an Infringement was unlawful (e.g. the Infringement was not valid).
- 3 Special Circumstances**
 Special circumstances includes:
 - a mental or intellectual disability, disorder, disease or illness
 - a serious addiction to drugs, alcohol or volatile substance
 - homelessness, or
 - family violence within the meaning of the Family Violence Protection Act 2008.
 You must provide evidence (e.g. letter, report, statement) from one of the following parties to support you application.
 - a case worker, case manager or social worker
 - a general practitioner, psychiatrist or psychologist, or
 - an accredited drug treatment agency.
 Evidence (e.g. letter, statement or a report) from practitioner or case work should include the following information:
 - the practitioner/case worker's qualification and relationship with you, including the period of engagement
 - the nature, severity and duration of your condition or your circumstances:
 - whether you were suffering from the relevant condition or circumstances at the time the offence was committed, and
 - whether, in the opinion of the practitioner/case worker, it is more likely than not that your condition/ circumstances resulted in your inability to understand or control the conduct constituting the offence.
 The practitioner or agency report must show that because of your condition/situation you could not understand or control constituting the offence.
- 4 Mistaken Identity**
 Please provide an explanation of why you rely on the ground of mistake of identity (including evidence e.g. copy of your driver's licence, in support).
- 5 Person Unaware of Fine**
 An application made on the ground of 'person unaware' must:
 - be made within 14 days of you becoming aware of the infringement notice (You may evidence the date that you became aware of the infringement notice by executing a statutory declaration)
 - state the grounds on which the decision should be reviewed, and
 - provide your current address for service.
- 6 Penalty Reminder Notice Fee Waiver Request**
 Please provide the reason(s) why you believe the Penalty Reminder Notice Fee should be waived.
 Note: The original penalty amount is still applicable under this request.

Applicants please note:

If you do not provide sufficient information, the enforcement agency may request further information. If you do not provide this further information within 28 days of the date of request, the enforcement agency may determine the application without further information. Internal reviews are not permitted for an alleged drink-driving, driving under the influence of drugs, or excessive speed infringements that result in a loss of licence.

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), to apply
 for an Internal Review on my behalf to Infringement Number

Signature of person named on the infringement

Date

D	D	/	M	M	/	Y	Y	Y	Y
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Signature of other person with consent

Date

D	D	/	M	M	/	Y	Y	Y	Y
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Application for review of an infringement

Lined area for application content.

Attachment 2:

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Detailed Practitioner's Reports: Instructions for Practitioners

DEPARTMENT OF JUSTICE
Victoria
INFRINGEMENTS SYSTEM OVERSIGHT UNIT

A Guide to Special and Exceptional Circumstances Applications

For health practitioners, case workers and support agencies

What Is a Practitioner's Report?

Practitioners may be asked to provide a report to support a patient's application for review of the issue of an Infringement notice under the *Infringements Act 2006* (the "Act"). A person may apply for a review in one of two ways:

- Every person who receives an Infringement notice is entitled to an internal review of the decision to issue the notice. This review is undertaken by the enforcement agency that issued the notice, under section 22 of the Act.
- Similarly, under section 65 of the Act, if the Infringements Court has issued an Enforcement Order in respect of an outstanding infringement, that person may apply for the withdrawal or cancellation of the Order (called a 'revocation' of the Order).

A practitioner may be asked to provide a 'Detailed Practitioner's Report' where a patient applies because of 'special circumstances' or 'exceptional circumstances'.

There is no restriction on the format of a detailed practitioner's report; however, a practitioner should address the questions contained in this pamphlet.

The purpose of the detailed practitioner's report is to set out details of the client's condition and treatment, in support of their claim of special or exceptional circumstances. Without these details, their claim may fail.

What are 'special circumstances'?

A 'special circumstances' application must meet two tests.

Firstly, a person must suffer from one of the following three types of conditions:

- a mental or intellectual disability, disorder, disease or illness; or
- a serious addiction to drugs, alcohol or volatile substance; or
- homelessness.

Secondly, if a person claims that they are suffering from a serious drug, alcohol or volatile substance addiction, or some form of mental disability, illness or disorder, they must show:

- that because of this condition, they could not understand the behaviour was against the law; or
- that because of this condition, they could not control the conduct for which they received the infringement.

If a person claims they are experiencing homelessness, they must show that because of this condition, they could not control the conduct for which they received the infringement.

What are 'exceptional circumstances'?

Applications may be made on the basis of 'exceptional circumstances'. This term is not defined in the Act and applications may be made on any basis.

If a person wishes to claim exceptional circumstances on the basis of medical or health reasons, they will require supporting evidence from their practitioner to show that because of particular circumstances they should be excused from liability to pay the infringement.



"...your assistance helps create a fairer justice system, addressing those in need..."

DEPARTMENT OF JUSTICE
Victoria

Detailed Practitioner's Reports: Instructions for Practitioners

Infringements System Oversight Unit

Practitioners may be asked to provide a report to support a patient's application for review of the issue of an Infringement Notice under the *Infringements Act 2006*. Reports should address the questions below:

Who may provide a 'Detailed Practitioner's Report'?

Reports can be accepted from:

- In the case of an application based on a mental or intellectual disability, disorder, disease or illness - a general practitioner, psychiatrist or psychologist;
- In the case of an application based on a serious alcohol or drug dependency condition - a general practitioner, psychiatrist, psychologist or an accredited drug treatment agency;
- In the case of an application based on homelessness - a case worker, case manager, social worker, agency funded under the *Supported Accommodation Assistance Act 1994*, or other health service provider.

A practitioner should state:

- the practitioner's qualifications; and
- position in their employer organisation (if applicable); and
- how many occasions they have seen/treated the patient.

Generally, a practitioner's report will be regarded as current if dated within 12 months of the date of the client's request for review. In some circumstances, reports may be accepted outside this timeframe.

Reports relating to a client claiming an addiction or a mental or intellectual disorder


The practitioner needs to include the following:

1. **What is the diagnosis?**
 - What is the nature and severity of the illness or condition?
 - How long has the person had the illness or condition? Please specify dates if possible.
2. **Has the illness, condition or addiction resulted in the person being unable to either understand or control the conduct that constitutes the offence?**
 - Was the person suffering and/or diagnosed with the illness or condition at the time of committing the offences?
 - If so, how did the illness or condition contribute to the offence?
 - Is the person taking medication, or undergoing any treatment or rehabilitation?
3. **Is there any other relevant information?**

Reports relating to a client claiming homelessness

The practitioner needs to include the following:

1. **What are the person's current living arrangements?**
 - How long has the person been homeless?
 - Was the person homeless at the time of the offence?
2. **Has homelessness resulted in the person being unable to control the conduct that constitutes the offence?**
 - If so, how did the homelessness contribute to the offences?
 - Does (or did) the person suffer from any other illnesses which may be relevant in determining whether the person was able to control or prevent the conduct for which the Infringement notice was issued?
 - If so, is the person taking medication, undergoing any treatment or rehabilitation?
3. **Is there any other relevant information?**



"...your assistance helps create a fairer justice system, addressing those in need..."

http://www.justice.vic.gov.au/resources/ae90b54d-0d7c-404a-a070-4527653b6cec/infringement_notice_special_circumstances.pdf

Policy Reference No:	POL176	Responsible Officer:	Manager Governance
Date of Re/Adoption:	25 October 2021	Department:	Governance
Review Date:	28 February 2023		

INFRINGEMENT MANAGEMENT POLICY

Attachment 3:



Personal Details			
First name			
Last Name			
Postal Address			
Suburb		Post Code	
Email		Phone No.	
Infringement No/s		Combined penalty amount:	

If you are not the person named on the infringement, you must provide written consent from the person named authorising you to act on their behalf. Your application can not be processed without this authorisation.

The person named on the infringement will remain liable for the infringement/s should the payment plan not be approved, or the payment plan defaults.

Financial Details

Are you currently receiving a CentreLink Payment?	<input type="radio"/> YES <input type="radio"/> NO
Type of pension or benefit?	
Do you have a current Pensioner Concession Card, Health Care Card or Department of Veterans Affairs Card? *Please attach copy	Select from list <input type="button" value="v"/>

What is the maximum amount you could pay? (Select your preferred payment frequency)

An instalment plan cannot exceed 24 months, or for a Company must not exceed 12 months, and repayments will reflect this timeframe.

<input type="radio"/> Weekly	(no less than \$5.00)	
<input type="radio"/> Fortnightly	(no less than \$10.00)	
<input type="radio"/> Monthly	(no less than \$20.00)	
Preferred start date	(min. 2 weeks from today. No more than 8 weeks from today)	

Privacy Statement

The information gathered in the form is used by Council to process the application. To view Council's Privacy Policy, please either visit a Council offices or http://www.hume.vic.gov.au/Disclaimer_Copyright/Privacy_Statement

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INFRINGEMENT MANAGEMENT POLICY

Please provide details of your income

Income (fortnightly after tax)	
Wages / Salary	
Government benefit / Pension / Other allowances	
Rental / Investment income	
Other income eg income from child support, family member, friend etc	
TOTAL FORTNIGHTLY INCOME	

Please provide details of your expenses

Expenses (fortnightly)	
Rent / Mortgage / Board (please circle)	
Food	
Electricity/gas/water/telephone/other bills	
Car expenses	
Public transport	
Medical expenses	
Credit card repayments	
Insurance repayments	
Education expenses	
Other loan repayments	
Other expenses (give details)	
TOTAL FORTNIGHTLY EXPENSES	

Please provide details of any exceptional financial circumstances you would like to be considered for this application and attach any supporting documentation

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INFRINGEMENT MANAGEMENT POLICY

Declaration

I understand and acknowledge that:

- The information provided in this application is true and correct, and completed to the best of my knowledge.
- A response to my application will be sent by Council in writing to the address provided within 10 working days.
- If my payment plan is approved and I do not make a payment within 14 days of the due date provided in my payment plan schedule, my payment plan may be cancelled. I understand I may not be entitled to another payment plan (extension of time to pay, or instalment plan) if my plan is cancelled.

Please tick:

- Supporting documentation is attached
- A copy of my Pension card / Health Care card / Department of Veterans Affairs Card is attached (if relevant)
- My personal and financial details have been completed in full

Signed	<input type="text"/>	Date:	<input type="text"/>
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UPON COMPLETION

Email to:	contactus@hume.vic.gov.au	Submit in person:	At a Customer Service Centre: 1079 Pascoe Vale Rd Broadmeadows 44 Macedon Street Sunbury 75-95 Central Park Avenue Craigieburn
Post to:	Hume City Council PO Box 119 DALLAS VIC 3047		

Date Adopted	27 April 2015
Date Re-Adopted	25 October 2021
Review Date	28 February 2023

Policy Reference No:	POL176	Responsible Officer:	Manager Governance
Date of Re/Adoption:	25 October 2021	Department:	Governance
Review Date:	28 February 2023		