

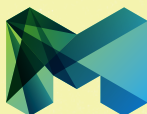
**HAVE YOU GOT AN  
UNPAID FINE, BUT HAVE  
SPECIAL CIRCUMSTANCES?**



**WHAT YOU NEED TO KNOW**



Global Compact  
Cities Programme



**CITY OF MELBOURNE**

## 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 you got the fine:

1. You had a mental or intellectual condition, or a serious addiction to drugs or alcohol, that meant you:
  - didn't understand that the behaviour was against the law; or
  - couldn't control the behaviour that was against the law (even if you knew it was against the law); or
2. You were homeless and your homelessness meant that you couldn't control the behaviour that was against the law (even if you knew it was against the law).

Homelessness can include staying in crisis accommodation, living in transitional housing, couch surfing or sleeping rough.

Since this brochure was produced, 'family violence' has been added to the definition of special circumstances (from 1 July 2017).

In addition, this brochure explains that if your special circumstances application is unsuccessful, it may be referred to the Melbourne Magistrates' Court.

As of 1 July 2017 this is no longer the case.

'Special circumstances' may also apply to you if, at the time you got the fine, you were a victim of family violence and that meant that you couldn't control the behaviour that was against the law.

Family violence can include abusive or threatening behaviour by a person towards a family member, as explained in the *Family Violence Protection Act 2008*.

## 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 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 on 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 condition

- General practitioner
- Psychologist, psychiatrist or psychiatric nurse

### 2. In the case of a serious addiction to drugs or alcohol

- General practitioner
- Psychologist or psychiatrist
- Case manager
- Accredited drug treatment agency or counsellor

### 3. In the case of homelessness

- Case worker or case manager
- Agency funded under the *Supported Accommodation Assistance Act 1994* or other health/community welfare service provider (e.g. Salvation Army, Jesuit Social Services)

## Information for practitioners and case workers

A statement should include:

- The practitioner's qualification and their relationship with you
- The nature, severity and duration of your condition or symptoms
- How your condition affected your inability to understand or control your conduct leading to the offence

It would also be helpful if the statement included any treatment you have undertaken or are currently undertaking.

## 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, the matter will be referred to the Magistrates' Court. This gives you (or your representative) a chance to present your evidence in front of a Magistrate who can make a decision on your fine. The issuing agency will let you know the court date and advise if you need to do anything.

## Who can help?

- The issuing agency (e.g. 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](http://www.legalaid.vic.gov.au)
- The Federation of Community Legal Centres – phone 9654 2204 or visit [www.communitylaw.org.au](http://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](http://www.liv.asn.au)
- Civic Compliance Victoria – phone 9200 8222 or visit Ground Floor, 277 William Street, Melbourne

For more information on fines or the infringements system, visit [www.fines.vic.gov.au](http://www.fines.vic.gov.au).

## How to contact the City of Melbourne

**Online:** [melbourne.vic.gov.au](http://melbourne.vic.gov.au)

**Telephone:** 03 9658 9658

7.30am to 6pm, Monday to Friday

(Public holidays excluded)

### Translation services

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|--------------|---------------------|
| 03 9280 0716 | አማርኛ                |
| 03 9280 0717 | 廣東話                 |
| 03 9280 0718 | Ελληνικά            |
| 03 9280 0719 | Bahasa Indonesia    |
| 03 9280 0720 | Italiano            |
| 03 9280 0721 | 國語                  |
| 03 9280 0722 | Soomaali            |
| 03 9280 0723 | Español             |
| 03 9280 0724 | Türkçe              |
| 03 9280 0725 | Việt Ngữ            |
| 03 9280 0726 | All other languages |

**National Relay Service:** If you are deaf, hearing impaired or speech impaired, call us via the National Relay Service:

Teletypewriter (TTY) users phone

1300 555 727 then ask for

03 9658 9658

9am to 5pm, Monday to Friday

(Public holidays excluded)

### In person

Melbourne Town Hall - Administration Building

120 Swanston Street, Melbourne

7.30am to 5pm, Monday to Friday

(Public holidays excluded)

### In writing

City of Melbourne

GPO Box 1603

Melbourne VIC 3001