



APPLICATION FORM

INTERNAL REVIEW OF AN INFRINGEMENT

BEFORE completing this form, please ensure that you have read the ‘**Frequently Asked Questions**’ relating to an Internal Review of an Infringement. If you are applying for a review of a parking infringement, please ensure that you have also read Council’s information brochure [Parking, The Road Rules and You](#). Both documents can be read on Wyndham City’s website or are available at the Civic Centre, 45 Princes Highway, Werribee.

Infringement Notices WILL NOT be withdrawn because of financial hardship. If you are experiencing financial hardship you can apply for a Payment Plan or an Extension of Time. Contact Wyndham City on 1300 023 411.

You must complete and sign all relevant sections of this form. If you need someone to act on your behalf please make sure you complete section 3.

Please Note: Customer Service staff have no authority relating to infringement reviews and cannot withdraw Infringement Notices. All applications must be made in writing and will be responded to in writing by the Internal Review Officer.

The completed application form can be submitted in person at the Civic Centre, 45 Princes Highway, Werribee or mailed to Wyndham City Council, PO Box 197 Werribee, Vic 3030 or emailed to mail@wyndham.vic.gov.au

1. APPLICANT’S DETAILS

Name:

Address:

Suburb: Post Code:

Telephone: Mobile:

Work: Fax:

Email:

If applicable:

Business Trading Name:.....

Business Address:

Suburb: Post Code:

ABN: Telephone:.....

2. INFRINGEMENT DETAILS

Infringement number(s):

Vehicle Registration Number (if applicable):.....

3. AGENT OR REPRESENTATIVE’S DETAILS

Complete only if another person (or agent) is representing you

I consent to acting as my agent.

Applicant’s Signature:

4. REPLY DETAILS

Only complete if the address Council is to reply to is different to the applicant’s address above

Name:

Address:

Suburb: Post Code:



HOW TO COMPLETE THIS FORM	1. Complete the form relevant to your situation. Do not make payment if submitting this form	2. Send to: Wyndham City Council PO BOX 197 Werribee VIC 3030	3. You will receive a notification in the mail to let you know the outcome of your application
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Infringement Number

Vehicle Registration Number

NOMINATION STATEMENT

A Please list your name and address details and then [go to B](#)

Full Name

Corporation name and ACN (if applicable)

Address of person/Corporation

State Postcode

B I declare that I was not driving or in possession or control of the vehicle at the time of the offence because (select option):

<input type="checkbox"/> Someone else was the driver in possession or control of the vehicle at the time of the offence go to C	<input type="checkbox"/> I sold this vehicle to someone else or permanently disposed of the vehicle on this date: <input type="text"/> / <input type="text"/> / <input type="text"/> go to C	<input type="checkbox"/> I believe the vehicle or number plates displayed on the vehicle were stolen. Note: You must attach Police Report go to E	<input type="checkbox"/> I do not know and cannot identify the person in possession of the vehicle at the time of the offence. Note: This statement cannot be selected where the offence involves a taxi-cab. go to D	<input type="checkbox"/> I was incorrectly nominated as the responsible person in relation to the vehicle and I reject the nomination. go to D
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C List the details of the person or corporation who was in possession or control of the vehicle at the time of the offence.

Surname / Corporation name

First name / Corporation ACN

Address of person / Corporation

State Postcode

Drive licence / Permit Number State / Country of issue Date of birth

[go to E](#)

Please Note: Nominating a person who resides outside of Australia cannot be accepted by Council. Should the person who was in control of the motor vehicle at the time of the offence reside outside of Australia, owner onus applies and therefore you are liable for the infringement.

D Tell us what reasonable and diligent enquiries you've made to try to identify the person in possession or control of the vehicle at the time of the offence, or why you are rejecting the nomination

Note: Failure to keep a record of who was in possession or control of the vehicle involved in the offence is not an adequate reason unless you can prove exceptional circumstances. If the offence involves a taxi-cab, you cannot nominate another person if you are recorded as the driver in the operator's records, and you cannot claim you are not aware of, or cannot identify the driver. If you need additional writing space, please attach a signed extra page.

[go to E](#)

E Confirm the details provided are correct and sign to complete nomination statement:

It is an offence under the Road Safety Act 1986 (which may carry a fine in excess of \$9,000 and potential licence loss for an individual, or a fine in excess of \$18,000 for a body corporate) to knowingly provide false or misleading information in a nomination statement. I understand that I may be served with a summons to give evidence in relation to this nomination.

Your signature Date

REQUEST A COURT HEARING

I decline to have this matter dealt with under these enforcement provisions and want to have the matter heard and determined by a Court. I understand I may receive a summons for this offence.

Full Name Your driver licence

Corporation name and ACN (if applicable) Date of birth

Address (Court summons will be sent here)

State Postcode

Email

Mobile number Your signature Date

Privacy Statement

Your personal information is being collected by Council to conduct an 'Internal Review' of your infringement notice(s), under the *Infringements Act 2006*. The information will be stored in Council's Customer Database and used to identify you when communicating with Council and for the delivery of services and information. Your information may need to be verified by VicRoads and disclosed as permitted by law for enforcement purposes. For further information on how your personal information is handled, view our Privacy Policy [here](#).



Internal Review of a Parking Infringement

Frequently Asked Questions

In order to request an internal review of an infringement notice for a parking offence you must be the registered owner of the vehicle, or the person nominated by the registered owner of the vehicle as the person who was in control of the vehicle at the time the infringement notice was issued.

If you feel the infringement notice from Wyndham City Council was issued incorrectly or there are extenuating circumstances which prevented you from obeying the law, you may apply for an internal review of the infringement notice.

The *Infringements Act 2006* only allows one Internal Review of this infringement, so please provide as much supporting documentation as possible. You can also see your infringement photos online on the Council website.

The following information aims to answer any questions you may have.

How do I apply for an internal review?

You must apply in writing and your application must contain:

- the ground(s) for your review; and
- your current postal address for documents to be sent to.

To assist with processing your internal review application please include the following information:

- a contact phone number; and
- your infringement number.
- The postal addresses cannot be a PO Box as required by s12 of the *Infringements Act 2006*.

It is recommended that you use the 'Internal Review of an Infringement' application form to ensure that you have provided Council with all the information required to process your Internal Review.

Alternative options available to you


You can either pay your fine or elect to have the matter heard at court.

If you don't act before the due date on your fine, it will continue through the infringements process and more costs will be added. Act now to avoid further costs and enforcement action.

What are Special Circumstances?

The *Infringements Act 2006* provides that 'special circumstances' in relation to a person means:

1. a mental or intellectual disability, disorder, disease or illness where the disability, disorder disease or illness results in the person being unable –
 - (i) to understand that conduct constitutes an offence; or

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- (ii) to control conduct which constitutes an offence; or
 2. a serious addiction to drugs, alcohol or a volatile substance within the meaning of section 57 of the *Drugs, Poisons and Controlled Substances Act 1981* where the serious addiction results in the person being unable-
 - (i) to understand that conduct constitutes an offence; or
 - (ii) to control conduct which constitutes an offence; or
 3. homelessness determined in accordance with the prescribed criteria (if any) where the homelessness results in the person being unable to control conduct which constitutes an offence; or
 4. family violence within the meaning of section 5 of the *Family Violence Protection Act 2008* where the person is a victim of family violence and the family violence results in the person being unable to control conduct which constitutes an offence.

What do I need to provide to show I have special circumstances?

You should provide a statement from an allied health professional such as a doctor, psychiatrist, social worker or drug counsellors that explains how your special circumstances meant you could not obey the law. This statement should be less than 12 months old.

Can someone apply on my behalf?

Yes, you may appoint a representative to act on your behalf. Section 3 of the 'Internal Review of an Infringement' application form must be completed and signed by you so your representative can act on your behalf.

Your representative will also need to sign the Declaration in the 'Internal Review of an Infringement' application form.

How will the review be conducted?

When reviewing a fine, Wyndham City Council considers all the available information, including:

- information collected by the officer who issued the fine, which may include photographs
- circumstances and any supporting documents provided in your application or by third parties
- requirements under the relevant legislation (for example, *Road Safety Road Rules 2017*, and *Infringements Act 2006*).

What happens when I apply for an Internal Review?

Your fine will be placed on hold while the review is conducted.

If you are requesting a review, please do not pay the infringement until you are advised of the outcome of your application.

You will receive confirmation of your application of review within 14 days of Council receiving your application.

Council is required to determine the outcome of your application within 90 days of receipt of your application. The time period may be extended if Council requires further information from you (see below).

Council will notify you of the outcome of your application in writing. This will be sent to the address you have supplied in your application. Council is required to provide you with notice of the outcome of your application within 21 days of deciding the review.

How many times can I apply for an Internal Review?

You may only apply ONCE for an Internal Review to be conducted by Council for any infringement notice.

If you wish to contest the matter further once a decision has been made, you may elect to have the matter heard in Court.

What if Council needs more information from me?

If you have not provided sufficient information in your application, Council may request further information from you.

You must provide the additional information within 14 days of receiving the request. If you require additional time to obtain the requested information, you can make a request in writing to Council for an extension of time.

If you do not respond to Council's request, your application will be determined without the further information.

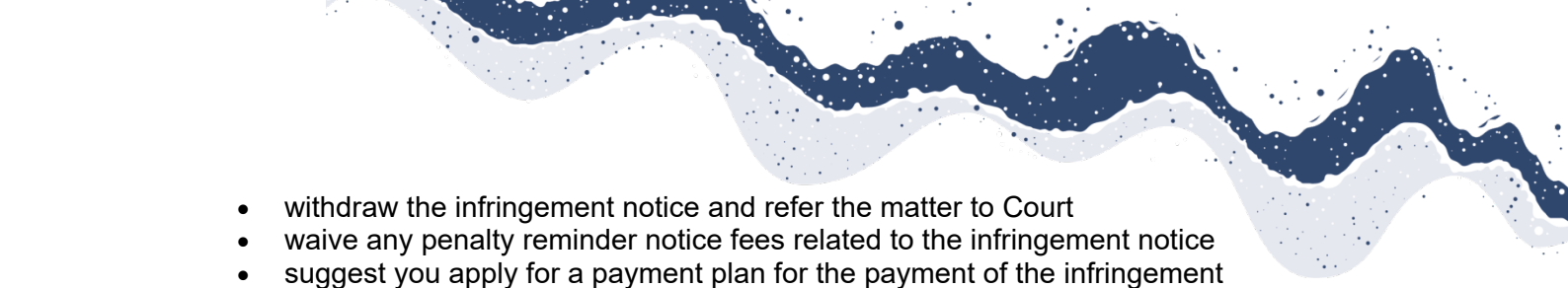
What can Council decide when reviewing my application?

If you have applied for internal review on the ground(s) that:

- the decision to issue the infringement notice was contrary to law; or
- the decision to issue the infringement notice involved a mistake of identity; or
- the conduct should be excused having regard to any exceptional circumstances relating to the infringement offence,

Council may decide to:

- confirm the infringement notice and proceed with the matter
- withdraw the infringement notice and instead issue an official warning
- withdraw the infringement notice

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- withdraw the infringement notice and refer the matter to Court
 - waive any penalty reminder notice fees related to the infringement notice
 - suggest you apply for a payment plan for the payment of the infringement
 - a combination of any of the above.

If you have applied on the ground that you were unaware of the notice having been service and service of the notice was not by personal service, Council may decide to:

- grant the application, if satisfied that, more than 14 days before the applicant applied for internal review, the applicant was not aware that the infringement notice had been served; or
- refuse the application, if not satisfied that, more than 14 days before the applicant applied for internal review, the applicant was not aware that the infringement notice had been served.

An application for review made under this ground will not result in an infringement notice being withdrawn but may result in the waiver of penalty reminder notice fees.

What happens if my application is unsuccessful?

Your remaining options will be outlined in the letter we send you. As the legislation only allows you to only make one application for review, we won't consider further correspondence regarding a fine that's already been reviewed unless you're providing new evidence that we've requested.

Can I apply for a payment plan?

If you're unable to make payment in full before the due date, we may be able to provide you some alternative payment options such as a payment plan. [Read about the payment options and eligibility requirements.](#) This information is also provided below.

Can I elect to go to Court?

Yes, you can:

- you may elect to go to Court rather than submit an application for Internal Review. If you do, Council cannot accept an application from you for an Internal Review; or
- you may elect to go to Court after submitting an application for an Internal Review, but before a decision has been made. If you do, your application for an Internal Review will no longer be considered; or
- you may elect to go to Court if you wish to contest the matter after your application for an Internal Review has been decided.

What happens if I don't pay?

Fines don't just go away. If you ignore a fine, it will become more serious and costly as it escalates to Fines Victoria.

Nominating a Driver

The registered owner of a vehicle is responsible for parking infringement notices. If someone else received a parking infringement notice while driving your car, you need to inform Wyndham City Council before the outstanding fine is registered with Fines Victoria. Please note that you will not lose demerit points for parking infringement notices, no matter how many parking infringement notices you receive. Parking infringements do not affect your driving record.

You need to complete the [online nomination form](#) or download the [Nominated/Known User Statement](#) and complete and send to Wyndham City Council via:

- Email: mail@wyndham.vic.gov.au
- Post: Wyndham City Council, PO Box 197, Werribee VIC 3030

You should retain a copy of the completed form for your records.

Contest an infringement notice

If you were the driver at the time of getting the infringement notice and you wish to contest it, then you must arrange for the registered owner to complete a Nomination/Known User Statement. Alternatively, the registered owner can provide an authorisation letter for you to contest the infringement notice on their behalf. Without a Nomination/Known User Statement nominating you as the driver you do not have the required documentation to contest the matter in court.

What happens if I don't nominate a driver/don't provide Wyndham City with a completed Known User Statement?

If you are the registered owner, the infringement notice will remain your responsibility unless you nominate the driver. You can do this by completing the Known User Statement and providing it to Wyndham City Council before the matter is lodged with the Infringements Court.

If I am from a company, how do I nominate the driver?

If you have the company's authority, you can complete a Nomination/Known User Statement on behalf of the company and provide it to Wyndham City Council.

What if I was overseas when the penalty reminder notice was sent?

If you're the registered owner of the vehicle that the infringement relates to, you are expected to maintain your affairs while on holiday, whether by redirecting your mail or getting a friend or neighbour to collect the mail on your behalf.

What if I don't know who was driving at the time of the infringement?

The responsibility for the infringement rests with you as the registered owner of the vehicle. It is expected that you are aware of who is using your vehicle at any given time.



Apply for an Extension of Time or Payment Plan for Parking Infringement

An Extension of Time is an agreement between you and Wyndham City Council providing you with up to an additional 3 months after the initial infringement due date, or the Infringement Penalty Reminder Notice due date to pay the Infringement in full.

A Payment Plan is an agreement between you and Wyndham City Council enabling an Infringement to be paid off in instalments at regular monthly intervals. You must pay a minimum of \$40 per month.

Who is eligible?

Under the *Infringements Act 2006* (Vic) you may be eligible for an Extension of Time or a Payment Plan.

An extension of time or payment plan can be offered to persons automatically entitled under the *Infringements Act 2006* if you hold one of the following:

- a Centrelink Pensioner Concession Card
- a Department of Veterans' Affairs Pensioner Concession Card or Gold Card
- a Centrelink Health Care Card

For discretionary requests, where applicants do not meet the relevant concession card requirements but are experiencing, and can demonstrate to Council's satisfaction, financial hardship (see Financial Hardship below), applicants:

- must meet a minimum monthly payment of \$40 per infringement;
- extensions must not exceed a three (3) month period; and
- are offered for infringements over \$100 only.

Financial Hardship

If the applicant does not hold one of the above eligible cards, they may still apply on the basis of financial hardship however they **MUST** also provide a statutory declaration* outlining the circumstances of the financial hardship and attach any relevant information or supporting documents.

Persons who seek a payment plan or an extension of time shall be required to submit, on a confidential basis, a completed Extension of Time/Payment Plan for an Infringement Application Form including an explanation outlining their financial hardship.

Wyndham City Council takes many factors into account when assessing serious financial hardship. Factors contributing to serious hardship generally include family tragedy, financial misfortune, serious illness, impacts of natural disaster and other serious or difficult circumstances. Each applicant is treated in accordance with their individual circumstances on a case-by-case basis and each application will be subject to the approval by the Fee Recovery Officer.

* Statutory declarations: A statutory declaration must contain a written statement that a person signs and declares to be true and correct before an authorised witness. By signing it

the person agrees that the information in it is true, and the person can be charged with perjury if the information is false. To make a statutory declaration, the applicant should:

- Download the [statutory declaration form](#) or a copy of the form may also be obtained from Council's Civic Centre or Community Centres, most court houses and police stations.
- Complete the form and have it witnessed by one of many people authorised to do so, such as a Justice of the Peace, pharmacist, police officer, court registrar, bank manager, medical practitioner or dentist.

Registered owner of vehicle

In order to apply for an Extension of Time or a Payment Plan for a parking infringement, you must be the registered owner or the nominated driver of the vehicle which incurred the Infringement Notice.

Extension of Time or Payment Plan not possible

An Extension of Time or Payment Plan is not possible if:

- you are not the registered owner or nominated driver of the vehicle (Parking Infringement)
- an Infringement Notice has been issued in a corporation name
- an Enforcement Order for the Infringement has been issued by the Court
- you have previously defaulted on an Extension of Time or a Payment Plan

Small Business

Whilst corporations are ineligible to apply for an Extension of Time, small businesses (sole proprietors or partnerships) may apply however they must be able to prove financial hardship to the satisfaction of Wyndham City Council.

Applying for an Extension of Time or a Payment Plan

[Complete our online Extension of Time/Payment Plan application form](#) at least 5 days before the due date stated on the initial Infringement Notice / Penalty Reminder Notice.

OR

Download and complete an [Extension of Time/Payment Plan application form](#) at least 5 days before the due date stated on the initial Infringement Notice / Penalty Reminder Notice.

Completed forms can be submitted to Wyndham City Council via:

- Email: mail@wyndham.vic.gov.au
- Fax: (03) 9741 6237
- Mail: Wyndham City Council, PO Box 197, Werribee VIC 3030
- In person: Wyndham City Council, 45 Princes Highway, Werribee VIC