

Grounds for an internal review



Environment
Protection
Authority Victoria



You, or someone authorised to act on your behalf, can apply for an internal review on one or more of the following grounds:

- [contrary to law](#)
- [mistaken identity](#)
- [exceptional circumstances](#)
- [special circumstances](#)
- [person unaware](#).

① **You should provide evidence to support your application.**

Contrary to law

'Contrary to law' means that the infringement, or the decision to issue you with it, was unlawful in some way (e.g. because the offence did not occur).

Evidence of this could include:

- a witness statement; or
- a statutory declaration.

Mistaken identity

'Mistaken identity' means that you were incorrectly identified as the person who offended.

Evidence of this could include:

- a copy of your passport
- your driver license; or
- your birth certificate.

Exceptional circumstances

'Exceptional circumstances' means you that you offended because of unforeseen or unpreventable circumstances. Examples of such circumstances include medical emergencies or traumatic events.



Grounds for an internal review

Evidence of this could include:

- a statutory declaration
- hospital admission documentation; or
- a letter from a medical professional or case worker.

Special circumstances

‘Special circumstances’ means you could not understand or control your offending behaviour because you were experiencing one of the following:

- [a mental or intellectual disability, disorder, disease or illness](#)
- [a serious addiction to drugs, alcohol or a volatile substance](#)
- [homelessness](#); or
- [family violence](#).

ⓘ **Companies are not eligible for special circumstances.**

Your evidence needs to demonstrate that because of your condition you could not understand or control your offending behaviour.

Evidence of this could include a letter, report or statement from:

- a doctor
- a psychiatrist, psychiatric nurse or psychologist
- a drug counsellor or case worker
- a social worker or welfare provider
- Victoria Police or a school principal (for family violence).

Mental or intellectual condition

Examples of a mental or intellectual disability, disorder, disease or illness could include:

- acquired brain injury
- antisocial personality disorder
- attention deficit and hyperactivity disorder
- autism spectrum disorder
- bipolar disorder
- borderline personality disorder
- dementia
- Huntington’s disease
- motor neurone disease
- Parkinson’s disease
- post-traumatic stress disorder
- psychosis
- schizophrenia
- severe anxiety
- severe depression
- severe mood disorder
- stroke.

Grounds for an internal review

Alcohol, drug or volatile substance addiction

Examples of volatile substances could include:

- adhesive cement
- cleaning agent
- gasoline
- glue.
- lighter fluid
- nail polish remover
- plastic solvent

Homelessness

Examples of homelessness could include:

- sleeping in parks, on the streets or squatting
- living in cars or improvised dwellings
- staying in refuges or emergency hostel accommodation
- living in temporary accommodation to escape unsafe or unaffordable living conditions
- living in a caravan park because you cannot access other accommodation; or
- living in boarding houses on a medium to long-term basis.

Family violence

Family violence means a person's behaviour towards their family member is:

- physically or sexually abusive
- emotionally or psychologically abusive
- economically abusive
- threatening or coercive; or
- controlling or dominating causing the family member to fear for their, or another person's, safety or wellbeing.

Examples of this behaviour could include the following, or threatening to do the following:

- assaulting or injuring
- sexually assaulting or other sexually coercive behaviour
- intentionally damaging property
- unlawfully depriving a family member of their liberty; or
- causing the death or injury to an animal to control, dominate or coerce the family member.

Grounds for an internal review

Person unaware

You may have been unable to deal with an infringement notice simply because you were not aware that one has been issued. Examples of why you were unaware could include:

- being overseas or interstate
- being in hospital for an extended period
- having your mail stolen; or
- changing your address¹.

① **You must make this application within 14 days of becoming aware of the infringement.**

Evidence could include:

- date-stamped passports or boarding passes
- mail theft reports to Victoria Police
- removalist invoices; or
- hospital admission documentation or a letter from your doctor.

① **If this request is granted, any penalty reminder notice fees will be waived but you will need to deal with the original infringement.**

¹ You must have updated your authorised address within 14 days of changing address. For individuals, the authorised address is generally your address maintained with VicRoads; for companies, your address is maintained by Australian Securities and Investments Commission (ASIC).