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## INFRINGEMENTMENT

Infringement Number: \_\_\_\_\_

### **THIS SECTION MUST BE COMPLETED BEFORE WRITING YOUR EXPLANATION ON THE REVERSE SIDE**

The Grounds For My Application (Tick the relevant Ground)

- The decision to issue the infringement notice was contrary to law.  
*(You should set out the reasons why you say it is unlawful)*
- The decision to issue the infringement notice involves a mistake of identity.  
*You should set out the reason why you say there was a mistake of identity and identify the name and address of the person who you say you were mistaken for and the relationship of that person to you)*
- Special circumstances apply to me  
*(Special circumstances means persons with; a mental or intellectual disability, disorder, disease or illness a serious addiction to drugs, alcohol or a volatile substances; or are homeless) A letter/report from the psychiatrist, social worker or drug counsellor must be supplied. (Please refer to attached information).*
- Exceptional Circumstances  
*My conduct for which the infringement notice was served should be excused (Under S24(5) Infringements Act 2006 and that Council may consider having regard to any exceptional circumstances relating to the infringement offence, These factors should clearly show why you should be excused where other citizens pay their infringements*
- Person unaware  
*That the person was unaware of the notice having been served and that service of the infringement notice was not by personal service.*

### **If you have someone acting on your behalf - please complete**

**I consent to the person named below to act on my behalf and to be supplied with private information in relation to this matter.**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Signature of person acting on your behalf: \_\_\_\_\_



## 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.

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### 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..."*

## A Guide to Special and Exceptional Circumstances Applications For health practitioners, case workers and support agencies

INFRINGEMENTS SYSTEM OVERSIGHT UNIT



### 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.

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