# How to apply for a review of your fine if you had exceptional circumstances

If unforeseen events, or circumstances that were beyond your control, caused you to be fined for breaking the law, you may have ‘exceptional circumstances’.

If you believe that you have exceptional circumstances, you can apply for a review of your fine. This is called ‘enforcement review’. If you are successful on review, Fines Victoria will cancel enforcement and send your fine back to the agency that fined you. The agency may then withdraw your fine, issue a warning or commence proceedings to enforce your unpaid fine in the Magistrates’ Court. If the court finds that you have exceptional circumstances, they may waive the fine or significantly reduce the amount of the fine.

## What are exceptional circumstances?

The law says that the behaviour for which a fine was issued should be excused where ‘exceptional circumstances’ exist. There is no definition of exceptional circumstances, but it is intended to cover circumstances leading up to an offence which are out of the ordinary, unavoidable or unexpected. For example, you may be able to show exceptional circumstances where a medical emergency or motor vehicle breakdown resulted in you receiving a fine.

### Exceptional circumstances or special circumstances?

If at the time you received the fine, you:

* had a mental or intellectual disability, disorder, disease or illness or
* had a serious addiction to drugs, alcohol or volatile substance or
* were a victim of family violence or
* were homeless

and these circumstances meant that you couldn’t control the behaviour that led to you being given a fine, or that you couldn’t understand that the behaviour was against the law, then you should instead apply to Fines Victoria for enforcement review on the grounds of ‘special circumstances’.

You may also have special circumstances if you can show that you are:

* experiencing circumstances that are very serious and long-term, that are more than just financial hardship and
* due to these circumstances, it is not possible for you to either pay your fines or deal with them in other ways, such as completing activities or treatment.

For further information to guide you through this process, see [How to make a special circumstances application](https://www.legalaid.vic.gov.au/how-make-special-circumstances-application) (<https://www.legalaid.vic.gov.au/how-make-special-circumstances-application>).

If you are a victim of family violence, you may also be able to apply under the Family Violence Scheme. Read more about the [Family Violence Scheme](file:///%5C%5CVLAFS-01.vla.vic.gov.au%5CGroups%5CPractice%20Support%5CProf%20Support%5CPS%20Civil%5CESR%5CInfringements%5CSelf-help%20kit%5C2022%5CFamily%20Violence%20Scheme)(<https://www.legalaid.vic.gov.au/family-violence-scheme>).

Contact **Legal Help** on **1300 792 387** for more information about your options.

## What to consider before you apply

If you decide to apply for exceptional circumstances:

* you must accept that you broke the law. This means that, unless the fine is withdrawn, you will have to plead guilty at court and there will be a record of this
* you may need to attend court at least once for a hearing about the penalty for the fine
* your demerit points may be affected if your fine was for a driving offence that carries demerit points
* if the exceptional circumstances you are relying upon include a medical condition that might affect your ability to drive, VicRoads may be notified of your condition. They may ask that you undergo a medical review of your fitness to drive
* if the fine goes to court, you will have a debt of $40 for each Citylink or Eastlink toll fine. This is not a court fine. It is the toll company’s administrative costs for prosecuting the matter in court.

Read more about [possible outcomes and penalties from a special circumstances application for a fine](https://www.legalaid.vic.gov.au/node/5442) (<https://www.legalaid.vic.gov.au/node/5442>).

Contact **Legal Help** on **1300 792 387** for more information about how this process may affect you.

## How to apply

When a fine is not paid, Fines Victoria can take action against you. This is called ‘enforcement’.

To have enforcement of your fine cancelled you must prove to Fines Victoria that you had exceptional circumstances at the time of the fine.

Make sure you keep copies of all your letters and other supporting documents.

### Step 1: Request a list of fines

Write to **Fines Victoria** to ask for a list of all your unpaid fines.

You can use the [sample letter](#Letter_to_FV_request_list_of_fines) ttached to this fact sheet. Add your personal details and send it to the address on the letter.

Fines Victoria may take a few weeks to get back to you.

Alternatively, if you have details of at least one unpaid fine, you can get a list of your fines online at [Fines Victoria](https://online.fines.vic.gov.au/) (<https://online.fines.vic.gov.au/>).

### Step 2: Get supporting documents

When making an exceptional circumstances application to Fines Victoria, it is important to provide documents (or other evidence) to support your application. Supporting documents need to show that the behaviour for which the fine was given should be excused because of exceptional circumstances.

For example, if you received a fine because of a medical emergency then you could get a letter from the doctor or hospital confirming the circumstances. If your car broke down, then you could provide receipts from a towing service and/ or a mechanic.

If you are experiencing financial hardship, then you may also wish to provide some evidence of your financial situation – such as bank statements, current bills or letters from your creditors or financial counsellor (if you have one). It is important to note that financial hardship is not enough on its own to be considered exceptional circumstances, but it is a factor that can be taken into account.

### Step 3: Apply for enforcement review

Once you have got a list of your fines, and any documentation to support your application, you can ask Fines Victoria to review the decision by the agency to issue the fine. This process is called ‘enforcement review’.

Fines Victoria will determine whether, given your circumstances, it is appropriate to take action to enforce the fine.

Use the [sample letter](#Letter_to_FV_enf_review) attached to this fact sheet. Add your personal details. Send it with any evidence to support your application to the address on the sample letter.

Alternatively, you can apply online, via the Fines Victoria website at [Request a review](https://online.fines.vic.gov.au/Request-a-review) (<https://online.fines.vic.gov.au/Request-a-review>).

## Decision by Fines Victoria

Fines Victoria will notify you in writing of its decision. If Fines Victoria decides you have exceptional circumstances, they will cancel enforcement of the fine and refer the matter back to the agency that issue the fine. The agency may decide to withdraw the fine and/or issue an official warning instead. However, the agency may also withdraw the fine and decide to proceed against you by way of a charge and summons.

If this happens, the offence will be referred to the Magistrates’ Court to be dealt with as a criminal offence.

If Fines Victoria finds that you do not have exceptional circumstances, you will have **21 days** to either pay the fine, apply for a payment arrangement, apply for the Family Violence Scheme (if you are a victim of family violence) or apply for a work and development permit (WDP) through a sponsor organisation or health practitioner.

If Fines Victoria decides you do not have exceptional circumstances, or the agency that fined you

decides to proceed with a charge and summons, contact **Legal Help** on **1300 792 387** for free legal

advice.

## If you are referred to the Magistrates’ Court

You will get a charge and summons informing you of your court date and which court to go to.

You should take copies of all the documents you provided to Fines Victoria to court. You should give these documents to the magistrate and explain that you applied for exceptional circumstances enforcement review.

The court will consider this information when making a decision about your sentence and what happens to your unpaid fine.

## Get help

Contact **Legal Help** on **1300 792 387** for free legal advice about your unpaid fines and how we can help you.

You may also find our booklet, ‘Your day in court’ helpful. You can download or order this free booklet from the Victoria Legal Aid [website](https://www.legalaid.vic.gov.au/your-day-court) (<https://www.legalaid.vic.gov.au/your-day-court>).

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### Letter to Fines Victoria requesting list of fines

Date: \_ \_ / \_ \_ / \_ \_ \_ \_

Fines Victoria

GPO Box 1916
Melbourne VIC 3001

Dear Fines Victoria

I request information about my unpaid fines.

My details are:

Full name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of birth: \_ \_ / \_ \_ / \_ \_ \_ \_

Current address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Postcode: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

State: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Previous address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Postcode: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

State:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Licence number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Registration number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Could you please forward the following to my current address:

* a list of all my outstanding fines
* any orders or warrants that have been made or issued in relation to any fines
* any current instalment plans or payment arrangements.

If you have any questions, please call me on:

Home phone: \_ \_ \_ \_ \_ \_ \_ \_ or mobile: \_ \_ \_ \_ \_ \_ \_ \_ \_ \_

Kind regards

(Signature)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Print name)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### Letter to Fines Victoria

Date: \_ \_ / \_ \_ / \_ \_ \_ \_

Fines Victoria
GPO Box 1916
Melbourne VIC 3001

**Attention: The Director**

I request an enforcement review based on exceptional circumstances.

My details are:

Full name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of birth: \_ \_ / \_ \_ / \_ \_ \_ \_

Current address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Postcode: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

State: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  I apply to have enforcement on **all** outstanding registered infringement notices cancelled on the basis that exceptional circumstances exist.

or

[ ]  I am the person named in the infringement notice number(s):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I apply to have enforcement on the above infringement notice(s) cancelled on the basis that exceptional circumstances exist.

Please find enclosed:

* a list of my outstanding fines
* a letter prepared by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If you have any questions, please call me on:

Home phone: \_ \_ \_ \_ \_ \_ \_ \_ or mobile: \_ \_ \_ \_ \_ \_ \_ \_ \_ \_

Kind regards

(Signature)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Print name)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_