

Process for lodging a special circumstances application

1 Is my condition/situation considered 'Special Circumstances'?

Special circumstances includes the following conditions/circumstances:

- a mental or intellectual disability, disorder, disease or illness
- a serious addiction to drugs, alcohol or volatile substance
- homelessness, or
- where a person is affected by family violence

2 Do I have to provide evidence to demonstrate my special circumstances?

In making an application for special circumstances, you must establish that you had a condition/circumstance at the time of the offence and demonstrate that your condition/circumstance resulted in your offending conduct.

You need to provide evidence to support your application. This evidence could include letters, reports (e.g. medical reports), statements, court orders (e.g. Family Violence Intervention Orders) that confirm your condition/circumstance and establish that your condition/circumstance resulted in your offending conduct.

Evidence provided should be dated within 12 months except where a person has a long term condition (e.g. an intellectual disability).

3 Who can prepare supporting evidence?

You may obtain supporting evidence from the following:

Mental or intellectual disability, disorder, disease or illness:

- general practitioner
- psychiatrist
- psychologist
- psychiatric nurse

Serious alcohol or drug addiction:

- general practitioner
- case manager
- psychiatrist
- psychologist
- accredited drug counsellor

Homelessness:

- case worker
- case manager
- approved agency (such as the Salvation Army)
- recognised health or community welfare service provider

Family violence:

- case worker or social worker (e.g. specialist FV case worker)
- financial counsellor
- health practitioner (e.g. general practitioner, psychologist, psychiatrist, registered occupational therapists)
- school principal or school welfare coordinator

4 What should the supporting evidence contain?

Supporting evidence should include the following information:

- the practitioner's qualifications or the services the agency is accredited to provide
- the practitioner's or agency's relationship with you and the period of time the practitioner or agency has known you
- whether you had special circumstances at the time of the offence(s)
- whether your special circumstances resulted in your inability to control or understand your offending conduct
- your current and previous treatment in relation to the condition

5 Submitting your Special Circumstances Enforcement Review application form to Fines Victoria

Once you have all of the documents to support your application, you must complete the application for enforcement review form, attach all the documents and submit it to Fines Victoria.